

**Archived:** Tuesday, March 12, 2019 9:59:33 AM

**From:** [Kerr, James \(NOR\)](#)

**Sent:** Mon, 30 Jul 2012 09:08:21

**To:** [NOR-DL-ALL MIDDLESEX ADA's](#)

**Cc:** [Walker, Jodi \(NOR\)](#); [Balliro, Fawn \(NOR\)](#)

**Subject:** State Chemist Annie Dookhan

**Sensitivity:** Normal

---

Good morning:

Please check your files for cases involving State Chemist Annie Dookhan (William A. Hinton Laboratory). If this chemist is (or was) involved in any of your cases, please respond to this e-mail with the following information:

- 1) Name of defendant
- 2) Court
- 3) Docket
- 4) Status & next date

Thank you very much.

**James D. Kerr**

Assistant District Attorney

Appeals & Training Bureau

Middlesex County District Attorney's Office

15 Commonwealth Avenue

Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 9:59:35 AM

**From:** Leone, Gerard (NOR)

**To:** 'jonathan.blodgett@state.ma.us'

**Subject:** Fw: District Attorney criticizes response to alleged lab problems - The Boston Globe

**Sensitivity:** Normal

---

----- Original Message -----

From: gerard.leone@state.ma.us [<mailto:r-1899976-7018-043AB522806049D38DBA68ABCC9F8891@bcast.boston.com>]

Sent: Sunday, September 02, 2012 09:21 AM

To: Leone, Gerard (NOR)

Subject: District Attorney criticizes response to alleged lab problems - The Boston Globe

---

The following appeared on Bostonglobe.com:

Headline: District Attorney criticizes response to alleged lab problems - The Boston Globe

Date: Sep 2, 2012

The Norfolk District Attorney on Saturday criticized the initial response of health officials to alleged problems at a Jamaica Plain crime laboratory, saying it did not match the seriousness and scope of the questions concerning a former chemist's handling of evidence. District Attorney Michael Morrissey's comments came two days after state officials shut Hinton State Laboratory Institute indefinitely. State police and the Attorney General's Office are investigating complaints that a laboratory chemist, who has since resigned, repeatedly broke rules about documenting samples.

[http://www.bostonglobe.com/metro/2012/09/02/district-attorney-criticizes-response-alleged-lab-problems/Xluh5UxbRjgvyYpZt9QFbl/story.html?s\\_campaign=8315](http://www.bostonglobe.com/metro/2012/09/02/district-attorney-criticizes-response-alleged-lab-problems/Xluh5UxbRjgvyYpZt9QFbl/story.html?s_campaign=8315)

---

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**Archived:** Tuesday, March 12, 2019 9:59:38 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
**Cc:** 'gerard.leone@state.ma.us'  
**Subject:** JP Lab, Dookham Cases  
**Sensitivity:** Normal

---

FYI.  
Let me know your thoughts upon your review.  
Thanks

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, September 04, 2012 11:23 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW:

To the DAs,

Attached please find the list of cases, as described below, on which JP lab chemist Dookhan has worked. DA Early asked Dr. Vallaro to distribute all lists to all DAs as they became available. However, it has come to my attention that the lists were only sent to DAs Early and O'Keefe.

I am unable to open these attachments from my computer, but perhaps you will have better luck. Tonight, I emailed Major Connolly and Dr. Vallaro asking that they forward the list to all DAs (in case these attachments cannot be opened once forwarded).

Thank you,  
Tara

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Tuesday, September 04, 2012 9:27 PM  
**To:** Maguire, Tara (DAA)  
**Subject:** Fwd:

Sent from my iPhone

Begin forwarded message:

**From:** "Vallaro, Guy (POL)" <[Guy.Vallaro@MassMail.State.MA.US](mailto:Guy.Vallaro@MassMail.State.MA.US)>  
**To:** "Early, Joseph (MID)" <[Joseph.Early@MassMail.State.MA.US](mailto:Joseph.Early@MassMail.State.MA.US)>, "OKeefe, Michael (CPI)" <[Michael.OKeefe@MassMail.State.MA.US](mailto:Michael.OKeefe@MassMail.State.MA.US)>, "Benedetti, Anthony(CPC)" <[abenedetti@publiccounsel.net](mailto:abenedetti@publiccounsel.net)>  
**Cc:** "Wood, Curtis (EPS)" <[curtis.wood@MassMail.State.MA.US](mailto:curtis.wood@MassMail.State.MA.US)>, "Matthews, Francis (POL)" <[Francis.Matthews@MassMail.State.MA.US](mailto:Francis.Matthews@MassMail.State.MA.US)>, "Connolly, James, Major (POL)" <[James.Connolly@MassMail.State.MA.US](mailto:James.Connolly@MassMail.State.MA.US)>

Gentlemen,

The attached 3 files are taken from the former DPH Drug Lab database and represent A. Dookhan's casework between 2004-2012. This data may be used to determine which cases A. Dookhan had direct involvement as a drug chemist. Note: A. Dookhan was officially taken off lab duty in June of 2011.

(Data for analysis performed under A. Dookhan's maiden name A. Khan in 2003-2004 will be forthcoming)

During most of the period between 2004-2012 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASD 2004 to 2008 second chemist. Sorted by Town
2. File JP ASD 2004-2008 first chemist. Sorted by Town
3. File JP ASD 2008-2012 first and second Sorted by County

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

The attached information includes Criminal Offender Record Information ("CORI") as defined in M.G.L. c. 6, s. 167 and is it being provided to you in the furtherance of official criminal justice duties and in the interest of public safety. Further dissemination of this information is strictly prohibited without the express written permission of the Executive Office of Public Safety and Security

We would appreciate if your respective offices could review these attached files as soon as possible on Tuesday September 4, 2012 and then plan to join us on a 12:00 pm (noon) teleconference call to discuss the contents of the files, and to provide us feedback and guidance in addressing the urgency of this situation.

Please do not disseminate this information until after we speak at 12 pm on Tuesday, The call-in number: 218.844.3377 Passcode: 25530781#

Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory

**Archived:** Tuesday, March 12, 2019 9:59:42 AM

**From:** Leone, Gerard (NOR)

**To:** Pastore, Jessica Venezia (NOR)

**Subject:** Re: DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

**Sensitivity:** Normal

---

Ugh, see what I mean?!

---

**From:** Pastore, Jessica Venezia (NOR)

**Sent:** Tuesday, September 04, 2012 05:35 PM

**To:** Leone, Gerard (NOR)

**Subject:** FW: DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

Every man/DA for themselves! So much for relying on statement! I let Colleen know we were awaiting full case list from AG's Office/MSP to determine the number of our cases effected.



## DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

By Colleen Quinn

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 4, 2012....As law enforcement officials gather lists of drug cases where evidence could have been tainted by a chemist under investigation, defense attorneys are questioning why state officials failed to catch the problem sooner and why prosecutors said there was no reason for concern when they tried to protest the chemist's involvement in drug cases.

One high-profile Boston defense attorney called the closing of a state drug testing crime lab a "colossal" failure of the entire system that allowed a chemist to improperly handle drug evidence without it being detected by her supervisors. In the wake of the investigation, State Police suspended a supervisor and the Department of Public Health suspended a division director.

"There is some sort of colossal break in the system that goes far beyond this one individual," said Boston defense attorney Rosemary Scapicchio. "How did the system set up to catch this not catch it? How is it there such a colossal failure of this system so this woman could get away with this for seven years? The procedures in place can't be being followed."

"The real story is the failure of the system to catch something like this," she added.

Prosecutors and State Police have said they are "furious" that there could be "miscarriages of justice" and people wrongly convicted because of the chemist's alleged actions at the Hinton State Laboratory in Jamaica Plain. State Police last Thursday closed the lab down indefinitely after uncovering potentially thousands of cases, spanning seven years, that could have been improperly handled by a chemist who resigned in March. State Police and the attorney general's office are investigating whether any criminal charges will be filed, State Police spokesman David Procopio said Tuesday.

State Police are still in the process of compiling lists of samples handled by the chemist in question, according to Procopio. The chemist was responsible for analyzing drug substances, and indicating the weights of the drugs. The cases are mainly from Suffolk and Norfolk County, with some from Bristol County and the Cape and the Islands, State Police said.

Cape and the Islands District Attorney Michael O'Keefe said DAs around the state spoke with state officials via telephone Tuesday, and plan another telephone meeting among themselves Wednesday. O'Keefe said the process of reviewing impacted cases is labor intensive, and there "will be costs associated with it."

"It is going to be difficult," he said.

O'Keefe said it will take a few more days before law enforcement officials fully assess the impact and the number of cases involved.

O'Keefe said the primary concern among district attorneys is the "integrity of the criminal justice system. We are going to do everything we can to promote that end. It is premature yet to say exactly what form that will take."

"Clearly the greatest concern is that someone was convicted of a crime based on evidence that wouldn't support conviction," said Jake Wark, a spokesman for Suffolk County District Attorney Daniel Conley. "Our deep concern is that defendants were convicted unfairly."

Scapicchio said defense attorneys around the state were concerned about the chemist's involvement in criminal cases for the past several months.

In February 2012, the Norfolk District Attorney's Office was notified by the Department of Public Health that it was investigating questions about the chain of custody of evidence for a single day in June 2011 involving 90 samples in 60 cases, according to David Traub, a spokesman for Norfolk District Attorney Michael Morrissey. The Norfolk DA immediately shared the information with defense attorneys. "We made it clear to them as soon as we knew it," Traub said.

At the time, state officials were looking into the actions of a single chemist who conducted tests on samples that had been appropriately signed out by an evidence officer, Traub said.

After the commonwealth came forward informing defense attorneys they were looking into the actions of the chemist, defense attorneys from different parts of the state began filing motions for evidentiary hearings anytime the chemist under investigation was involved in a drug case, Scapicchio said. State prosecutors would argue the cases were limited to Norfolk County, and they were an isolated incident on one day, she said.

"The courts would say you can't relate it. You need to go forward and try this case without an evidentiary hearing," Scapicchio said. "Defense attorneys were losing these motions routinely."

Scapicchio said she and other defense attorneys want to know how the system failed to catch any discrepancies.

"I don't think the answer is let's re-test the drugs and go on. If we don't know how the system failed we can't be sure of any the results of these so-called scientific tests," Scapicchio said.

END

09/04/2012

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**Archived:** Tuesday, March 12, 2019 9:59:48 AM

**From:** Leone, Gerard (NOR)

**To:** Blodgett, Jonathan (EAS)

**Subject:** Re: District Attorney criticizes response to alleged lab problems - The Boston Globe

**Sensitivity:** Normal

---

Just make sure you get his approval before holding a con call or doing a press event.

----- Original Message -----

From: Blodgett, Jonathan (EAS)

Sent: Tuesday, September 04, 2012 02:32 PM

To: Leone, Gerard (NOR)

Subject: Re: District Attorney criticizes response to alleged lab problems - The Boston Globe

So much for speaking with one voice. I am happy that he supports the Constitution.

Sent from my iPhone

On Sep 4, 2012, at 14:27, "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us> wrote:

>

>

> ----- Original Message -----

> From: gerard.leone@state.ma.us [<mailto:r-1899976-7018-043AB522806049D38DBA68ABCC9F8891@bcast.boston.com>]

> Sent: Sunday, September 02, 2012 09:21 AM

> To: Leone, Gerard (NOR)

> Subject: District Attorney criticizes response to alleged lab problems - The Boston Globe

>

>

>

>

>

> The following appeared on Bostonglobe.com:

> Headline: District Attorney criticizes response to alleged lab problems - The Boston Globe

> Date: Sep 2, 2012

>

> The Norfolk District Attorney on Saturday criticized the initial response of health officials to alleged problems at a Jamaica Plain crime laboratory, saying it did not match the seriousness and scope of the questions concerning a former chemist's handling of evidence. District Attorney Michael Morrissey's comments came two days after state officials shut Hinton State Laboratory Institute indefinitely. State police and the Attorney General's Office are investigating complaints that a laboratory chemist, who has since resigned, repeatedly broke rules about documenting samples.

>

>

> [http://www.bostonglobe.com/metro/2012/09/02/district-attorney-criticizes-response-alleged-lab-problems/Xluh5UxbRjgvyYpZt9QFbl/story.html?s\\_campaign=8315](http://www.bostonglobe.com/metro/2012/09/02/district-attorney-criticizes-response-alleged-lab-problems/Xluh5UxbRjgvyYpZt9QFbl/story.html?s_campaign=8315)

>

>

>

> This message was sent by gerard.leone@state.ma.us[mailto:gerard.leone@state.ma.us]

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> [support@bostonglobe.com](mailto:support@bostonglobe.com).

**Archived:** Tuesday, March 12, 2019 9:59:49 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Cc:** 'gerard.leone@state.ma.us'  
**Subject:** Re: JP Lab, Dookham cases  
**Sensitivity:** Normal

---

Thanks

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 04, 2012 03:52 PM  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Cc:** 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>  
**Subject:** RE: JP Lab, Dookham cases

Thanks-I'll touch base with Jodi-hopefully everything on our list is here at a minimum.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, September 04, 2012 3:49 PM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Cc:** 'gerard.leone@state.ma.us'  
**Subject:** JP Lab, Dookham cases

Fyi

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, September 04, 2012 03:40 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:**

DAs,

DA Early asked that I forward the below email and attachment to you. The attached list represents additional cases JP Chemist, Annie Dookhan, worked on under her maiden name.

Thank you,  
Tara

---

**From:** Early, Joseph (DAA) [mailto:joseph.early@massmail.state.ma.us]  
**Sent:** Tuesday, September 04, 2012 3:32 PM  
**To:** Maguire, Tara (DAA)  
**Subject:** Fwd:

Tara, please send this as well to all of the DA's  
Thank you,  
Joe

Begin forwarded message:

**From:** "Vallaro, Guy (POL)" <[Guy.Vallaro@MassMail.State.MA.US](mailto:Guy.Vallaro@MassMail.State.MA.US)>  
**To:** "Early, Joseph (MID)" <[Joseph.Early@MassMail.State.MA.US](mailto:Joseph.Early@MassMail.State.MA.US)>, "OKeefe, Michael (CPI)" <[Michael.OKeefe@MassMail.State.MA.US](mailto:Michael.OKeefe@MassMail.State.MA.US)>, "Benedetti, Anthony(CPC)" <[abenedetti@publiccounsel.net](mailto:abenedetti@publiccounsel.net)>, "Anne Goldbach" <[agoldbach@publiccounsel.net](mailto:agoldbach@publiccounsel.net)>  
**Cc:** "Wood, Curtis (EPS)" <[curtis.wood@MassMail.State.MA.US](mailto:curtis.wood@MassMail.State.MA.US)>, "Matthews, Francis (POL)" <[Francis.Matthews@MassMail.State.MA.US](mailto:Francis.Matthews@MassMail.State.MA.US)>, "Connolly, James, Major (POL)" <[James.Connolly@MassMail.State.MA.US](mailto:James.Connolly@MassMail.State.MA.US)>

The attached file is taken from the former DPH Drug Lab database and represent A.Khan (A.Dookhan's maiden name) casework between 2003-2005. This data may be used to determine which cases A. Khan had direct involvement as a drug chemist.

During the period between 2003-2005 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASK 2003 to 2005 primary and secondary chemist. Sorted by Town

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the



DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

The attached information includes Criminal Offender Record Information ("CORI") as defined in M.G.L. c. 6, s. 167 and is being provided to you in the furtherance of official criminal justice duties and in the interest of public safety. Further dissemination of this information is strictly prohibited without the express written permission of the Executive Office of Public Safety and Security

Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory

**Archived:** Tuesday, March 12, 2019 10:00:02 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR); Krysil, Cara (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Re: Morning Office Clips: August 31, 2012  
**Sensitivity:** Normal

---

I'm actually springing, don't tell her!

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Saturday, September 01, 2012 10:38 AM  
**To:** Leone, Gerard (NOR); Krysil, Cara (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Re: Morning Office Clips: August 31, 2012

Fancy!! Not my usual Bickfords/ Crackerbarrel/ Country Buffet fare... Pam's a big spender!

---

**From:** Leone, Gerard (NOR)  
**Sent:** Saturday, September 01, 2012 10:36 AM  
**To:** Ellis, Sarah (NOR); Krysil, Cara (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: Morning Office Clips: August 31, 2012

UML Doubletree

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Saturday, September 01, 2012 10:36 AM  
**To:** Leone, Gerard (NOR); Krysil, Cara (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Re: Morning Office Clips: August 31, 2012

Someplace with pancakes for the boss...!

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, August 31, 2012 10:50 AM  
**To:** Krysil, Cara (NOR)  
**Cc:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: Morning Office Clips: August 31, 2012

Wechsler's buying.  
Ellis can come too.

---

**From:** Krysil, Cara (NOR)  
**Sent:** Friday, August 31, 2012 10:31 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: Morning Office Clips: August 31, 2012

Great. I will be there.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, August 31, 2012 10:05 AM  
**To:** Krysil, Cara (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Re: Morning Office Clips: August 31, 2012

Good. Let's plan on breakfast after LYDC - the three of us, to catch up. 9/10 I think.

---

**From:** Krysil, Cara (NOR)  
**Sent:** Friday, August 31, 2012 10:03 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: Morning Office Clips: August 31, 2012

Agreed. I have been in touch with them about some other ideas, ex. targeting gang members currently on probation with no gang conditions which have the lesser burden to prove.  
Thanks.

---

**From:** Leone, Gerard (NOR)

**Sent:** Friday, August 31, 2012 9:36 AM  
**To:** Krysil, Cara (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Fw: Morning Office Clips: August 31, 2012

Let's make sure that LPD arrest decisions are ones that can be prosecuted BRD, and not a rush to respond to the recent spate of violence up there.  
Thanks.

---

**From:** Pastore, Jessica Venezia (NOR)  
**Sent:** Friday, August 31, 2012 09:22 AM  
**To:** NOR-DL-ALL MIDDLESEX USERS  
**Subject:** Morning Office Clips: August 31, 2012

#### **Lowell man arraigned in triple shooting**

**By Sarah N. Mattero, The Boston Globe, August 31, 2012**

<http://bostonglobe.com/metro/2012/08/30/three-people-shot-one-person-assaulted-lowell-suspect-arrested-attempted-murder-charges/Z0HAeNQrwAmjwziG7QQ4RN/story.html>

- Top of Form
- Bottom of Form
- A 21-year-old man was arraigned in Lowell District Court Thursday, accused of shooting three people Wednesday night in the parking lot of a convenience store, Lowell police said.
- Chanphakdae Thang of Lowell faces three counts of armed assault with intent to murder, as well as firearms charges, the Middlesex district attorney's office said in a statement.
- Lowell police said two groups of people encountered each other outside the Tedeschi convenience store at 494 Bridge St. around 11 p.m. Wednesday.
- An argument broke out between two people, one of whom was physically assaulted, police said.
- Thang, who was with the victim of the attack, pulled out a handgun and started shooting, police said.
- Thang allegedly shot three people, one of whom was taken by medical helicopter to a Boston hospital for treatment of gunshot wounds. Police said the victim in the Boston hospital is in stable condition and the two other gunshot victims were treated at Lowell hospitals and released.
- Police said they are trying to determine whether the meeting was arranged or a chance encounter.
- Thang was ordered held in lieu of \$40,000 cash bail. He is due back in court Sept. 26 for a probable cause hearing.
- A second man, Shane Downs, 31, also of Lowell, was arraigned on a charge of disturbing the peace and released on personal recognizance. Authorities would not comment on what his alleged role was in the episode.
- The investigation is ongoing, officials said.

#### **Man, 35, Charged With Raping Teen .**

**By Susan Petroni, The Framingham Patch, August 31, 2012**

<http://framingham.patch.com/articles/man-35-charged-with-raping-teen>

- A man living in Framingham, was ordered to surrender his passport, green card or visa, after he was arraigned on rape charges of a child under age 16.
- Celio Deoliveira, 35, of 654 Waverly St., was arrested Thursday and charged with statutory rape of a child under 16 and indecent assault and battery.
- The victim and Deoliveira were "known to each other" said a spokesperson for the Middlesex District Attorney's Office.
- He was arraigned Thursday and held on \$100,000 cash bail, said Middlesex District Attorney's Office spokesperson Stephanie Chelf Guyotte.
- Bail conditions include he commit no crimes, does not leave Massachusetts, stay away from the victim and family, have no contact with children under age 16 and surrender his passport, green card or visa, she said.

#### **Boston man pleads guilty in 2010 murder of Waltham teen**

**By The Waltham News Tribune, August 31, 2012**

<http://www.wickedlocal.com/waltham/news/x180571876/Boston-man-pleads-guilty-in-2010-murder-of-Waltham-teen#axzz25840rAjV>

- WALTHAM — The Boston man accused of killing a Waltham resident at Regis College in 2010 pleaded guilty to manslaughter on Thursday, Aug. 30, according to the Middlesex District Attorney's office.
- Robenson Daniel, 22, pleaded guilty in Middlesex Superior Court to charges of voluntary manslaughter, assault and battery with a dangerous weapon, and assault with a dangerous weapon.
- Daniel stabbed and killed Waltham resident Elhadji Malick Ndiaye in 2010.
- "Today, the defendant admitted his guilt and responsibility for the stabbing death of Elhadji Malick Ndiaye," said Middlesex District Attorney Gerry Leone in a release from his office. "This is another tragic example of young people resorting to violence to settle a dispute, resulting in fatal consequences and doing irreversible damage to several lives. Our thoughts remain with the Ndiaye family, who served as a tower of strength and forgiveness during this case."
- Daniel was sentenced to four to five years in state prison for voluntary manslaughter, three to five years for assault and battery with a dangerous weapon – to be served concurrently with the manslaughter sentence – and five years probation for assault with a dangerous weapon. The conditions placed on Daniel include no possession of dangerous weapons, maintaining education or full time employment, and no contact with Ndiaye's family, the family of the other victim in the incident, or any witnesses.
- On Sept. 24, 2010, the Weston Police Department responded to the Regis College campus at around 3:50 a.m. for reports of a stabbing, and found Ndiaye lying on the ground of a campus parking lot, with a stab wound. He was pronounced dead on scene. A second victim, another Waltham resident, was also stabbed several times and transported to Beth Israel Hospital. He was treated and released.

- An investigation by state authorities revealed that Daniel and the two victims were on campus visiting friends, in two separate groups. A verbal altercation between the groups escalated outside, when Daniel stabbed the surviving victim multiple times. Once they were separated, Daniel stabbed Ndiaye in the chest, killing him.

### **Boston man imprisoned for 2011 stabbing**

**By Colneth Smiley Jr., The Boston Herald, August 31, 2012**

[http://www.bostonherald.com/news/regional/view/20220830boston\\_man\\_imprisoned\\_for\\_2011\\_stabbing/srvc=home&position=recent](http://www.bostonherald.com/news/regional/view/20220830boston_man_imprisoned_for_2011_stabbing/srvc=home&position=recent)

- A Boston man accused of stabbing a two men during a melee at Regis College nearly a year ago, pled guilty today to charges of voluntary manslaughter, and two counts of assault and battery with a dangerous weapon, prosecutors said.
- Robenson Daniel, 22, pled guilty earlier today in Middlesex Superior Court and was sentenced to four to five years in state prison and five years probation after completing his sentence in connections with the death of 18-year-old Elhadji Malick Ndiaye of Waltham, according to the Middlesex D.A.'s Office.
- "This is another tragic example of young people resorting to violence to settle a dispute, resulting in fatal consequences and doing irreversible damage to several lives," said Middlesex District Attorney Gerard Leone. "Our thoughts remain with the Ndiaye family, who served as a tower of strength and forgiveness during this case."
- Weston Police responded to an early morning call at Regis College on Sept. 24, 2011 when they found Ndiaye laying dead from a stab wound to the chest in the campus parking lot, prosecutors said. A second victim, identified only as a 22-year-old Waltham man, was also suffering from stab wounds witnesses told authorities were inflicted by Daniel after a verbal and physical altercation.
- Investigations by state police said Daniel stabbed the surviving victim numerous times during the altercation then fatally stabbed Ndiaye while he was standing nearby, prosecutors said.

### **Man sentenced for fatal Regis College stabbing**

**The Boston Globe, August 31, 2012**

[http://www.bostonherald.com/news/regional/view/20220830boston\\_man\\_imprisoned\\_for\\_2011\\_stabbing/srvc=home&position=recent](http://www.bostonherald.com/news/regional/view/20220830boston_man_imprisoned_for_2011_stabbing/srvc=home&position=recent)

- WOBURN, Mass.—A Boston man will serve four to five years in prison for stabbing a teenager to death and wounding another man at Regis College in Weston two years ago.
- Twenty-two-year-old Robenson Daniel was sentenced Thursday in Middlesex Superior Court after pleading guilty to voluntary manslaughter and assault charges.
- Authorities said Daniel killed 18-year-old Elhadji Ndiaye (el-HODJ'-ee EN'-jaye) of Waltham with a single stab wound to the chest and stabbed another Waltham man in a parking lot in September 2010. Authorities said the violence stemmed from a fight that began inside a dormitory. The second victim survived.
- Neither Daniel nor the victims attended the college. Police said all three were visiting friends.
- Middlesex District Attorney Gerry Leone called the stabbings another tragic example of young people settling a dispute with violence.

### **Crime lab closed amid allegations of mishandled drug evidence**

**By Matt Stout, Richard Weir and Chris Cassidy, The Boston Herald, August 31, 2012**

[http://www.bostonherald.com/news/regional/view/20220831breach\\_of\\_protocol\\_crime\\_lab\\_closed\\_amid\\_allegations\\_of\\_mishandled\\_drug\\_evidence/srvc=home&position=2](http://www.bostonherald.com/news/regional/view/20220831breach_of_protocol_crime_lab_closed_amid_allegations_of_mishandled_drug_evidence/srvc=home&position=2)

- Hundreds of drug dealers could be sprung from jail and back on the streets thanks to a rogue crime lab chemist police say mishandled possibly thousands of drug samples — a bombshell revelation that has infuriated cops and also may have put innocent people behind bars.
- What's more, the shocking scandal remained under a cloak of secrecy for months, and could wreak havoc on the court system for years to come, defense attorneys told the Herald.
- "If the state police have uncovered intentional falsification of evidence, that entire lab may become a house of cards," said Timothy J. Bradl, a Boston defense attorney and former prosecutor who is handling cases where the accused chemist analyzed the evidence.
- "If it turns out that people were wrongfully held due to the falsification of drug evidence, the liability could reach into the tens of millions of dollars," he added. "Who knows? The scale of cases that is being alluded to is staggering."
- State police Col. Timothy Alben said yesterday the chemist, identified by multiple lawyers as eight-year veteran Annie Dookhan, could face criminal charges in breaking lab protocol. Gov. **Deval Patrick** was forced to shutter the William A. Hinton State Laboratory Institute in Jamaica Plain less than two months after state police took control from the Department of Public Health.
- Dookhan stepped down from her post in March amid a DPH probe that started in June 2011, when officials stripped her of her testing duties. But Alben said it was only in recent days that police found the problems to be "more widespread" than first imagined.
- Anthony Benedetti, chief counsel for the Committee for Public Counsel Services, said the "stunning" reach of the alleged breaches could taint cases in Norfolk, Plymouth, Suffolk, Essex and Middlesex counties, as well as the Cape and Islands.
- "I think we're all furious about this," Alben said. "Our concern has to be for any kind of miscarriage of justice that has occurred."
- Efforts to reach Dookhan yesterday were unsuccessful.
- Anne Goldbach, forensic services director at CPCS, said a court-appointed lawyer received a letter dated Feb. 1 from Linda Han of DPH's Bureau of Lab Sciences stating that there was "a possible breach of protocol with respect to 90 cases tested at the Hinton State Laboratory." She said her office sent out a notice to "hundreds of attorneys" alerting them to the issue.
- "A lot of people started to litigate cases and ask for hearings on Dookhan's analysis on drugs," she said. "Some attorneys were not able to get hearings because they (prosecutors) kept saying it's isolated to those 90 cases. It's isolated to Norfolk County. It's isolated to that one day. But people pushed and pushed."
- That one day was June 14, 2011, when, Goldbach said, an evidence officer noted discrepancies in logbook entries for drug samples and a matching computer tracking system.
- "That's very disconcerting because between June of last year and February, many cases have gone to court and people have pleaded guilty based on the analysis of Annie Dookhan," Goldbach said.
- The state's 11 district attorneys released a joint statement yesterday saying they have requested a list of the criminal cases identified as part of the state police audit into the lab and "will take the appropriate action necessary to ensure that justice is done."
- Said Boston attorney Susan Rayburn: "It's never a harmless mistake when we are talking about someone's liberty."

### 3 injured in Westford cruiser crash

By Sarah Favot, The Lowell Sun, August 31, 2012

[http://www.lowellsun.com/local/ci\\_21442162/3-injured-westford-cruiser-crash](http://www.lowellsun.com/local/ci_21442162/3-injured-westford-cruiser-crash)

- WESTFORD -- Police are investigating a crash involving a police cruiser Wednesday afternoon on Oak Hill Road in front of the Nabnasset Lake Country Club.
- The police officer and driver and a passenger in the other vehicle involved, a pickup truck, were transported to the hospital with minor injuries, Capt. Victor Neal said.
- The officer has been released from the hospital, Neal said. He did not know if the other two victims had been released.
- The officer was responding to a domestic call on Woodbine Terrace, Neal said.
- He said he has not seen any witness statements, so he does not know how fast the vehicles were traveling or whether the cruiser's lights were on.

### Shutdown of Mass. lab could jeopardize drug cases

By Denise Lavoie, The Associated Press, August 31, 2012

<http://www.boston.com/news/local/massachusetts/2012/08/31/shutdown-mass-lab-could-jeopardize-drug-cases/bJd0rcHX3cVVLByzX7LH3J/singlepage.html>

- BOSTON (AP) — The shutdown of a Massachusetts drug lab could be a boon to defense lawyers and their clients whose convictions were based on the actions of a chemist accused of mishandling drug evidence.
- The Hinton State Laboratory Institute in Boston was closed Thursday after state police say they discovered that the chemist failed to follow testing protocols, potentially exposing thousands of drug convictions to legal challenges.
- The lab was involved in certifying drug evidence in cases submitted by local police from around the state, including Boston. Massachusetts Attorney General Martha Coakley is conducting a criminal investigation. Police have not named the chemist, and she has not been charged.
- Defense lawyers were swift to react. Several said they plan to challenge the results of any drug certification performed by the chemist.
- “It’s going to throw the system into some confusion for a while,” said John LaChance, a Framingham defense attorney. “If a case has been closed, they (prosecutors) are going to have to go back and look through those cases to see if protocols were followed, and if the protocols weren’t followed, they should have to notify counsel or the defendants themselves so they can file a motion for a new trial or a motion to vacate a guilty plea.”
- Larry Tipton, who heads the Norfolk Superior Court office of the Committee for Public Counsel Services, said problems can occur with a crime lab that is not independent and “is run basically by law enforcement.”
- “There’s just not sufficient safeguards, and there’s an inherent bias that exists because the people that are conducting the tests are working for, basically, law enforcement, and to a lesser extent, the prosecution.”
- In recent years, testing protocol violations have led to lab closures and case dismissals around the nation.
- Hundreds of drug cases were thrown out in San Francisco after a lab technician was accused of skimming cocaine from evidence. In Nassau County, N.Y., officials last year closed their lab amid concerns over inaccuracies with testing in drug and drunken driving cases, which led to an extensive review. And a crime lab in Detroit was shut down in 2008 after outside auditors uncovered serious errors in the way evidence was handled.
- Gov. Deval Patrick called the chemist’s alleged violations “deeply troubling,” and said he instructed the Massachusetts State Police to close Hinton lab.
- “No breach this serious can or will be tolerated,” Patrick said in a statement.
- State police spokesman David Procopio said district attorneys and public defenders were notified Thursday about the alleged violations. He said the next step is for state police to identify which cases the chemist worked on and then to give that information to prosecutors so they can take the appropriate action.
- Procopio said the chemist performed thousands of tests since she began working at the lab in 2003, but it is unclear how many drug cases she may have mishandled. The chemist resigned in March during an internal investigation by the Massachusetts Public Health Department, which ran the lab at the time.
- “This is more than just allegations of sloppiness and cutting corners,” Procopio said. “The allegations include malfeasance, deliberate mishandling ... We are concerned that in some of the cases, there’s a likelihood that justice was not served, that a defendant did not get a fair trial and that it’s possible that people may be incarcerated unjustly.”
- Ten other chemists who worked at the lab were placed on administrative leave and will eventually be sent to work at another of the nine state police labs. Procopio said those chemists are not suspected of any wrongdoing.
- Tipton said public defenders in his office began hearing about problems at the lab months ago. He said one public defender in his office received a letter in February from an assistant district attorney who said a chemist was being investigated for a “possible breach of protocol” with respect to some drug samples. The prosecutor identified the chemist as Annie Dookhan.
- Dookhan could not immediately be reached for comment. She appeared to have a nonpublished telephone number.
- WHDH television station in Boston reported that the woman’s husband said in a statement that “my wife maintains her innocence ... more than one person was involved in botching a drug procedure. We believe it’s co-workers who are trying to create a scapegoat.” The station did not name the husband.
- Chemists at the lab performed drug certifications for local police departments, who then give the results to prosecutors. For example, if someone is arrested for having a white powdery substance, a chemist tests the substance, then certifies whether it is cocaine and certifies its quantity so that prosecutors can use it as evidence in a criminal case.
- In June, state police were informed about inconsistencies in the chemist’s work at the lab. State police took over operation of the lab in July as part of a budgetary directive, and began their own audit. Within the last few days, state police realized the “large scope” of the inconsistencies and decided to close the lab, Procopio said.
- Brad Puffer, a spokesman for Coakley, said state police informed the attorney general’s office in July about allegations regarding the possible improper handling of drug evidence. Puffer said Coakley’s office has interviewed dozens of people and developed evidence that certain required procedures were not followed.

### UPDATE: Two arrested in Lowell shooting

At least three men wounded

By Robert Mills, The Lowell Sun, August 31, 2012

[http://www.lowellsun.com/ci\\_21433505/four-shot-lowell-violence?source=rss\\_viewed](http://www.lowellsun.com/ci_21433505/four-shot-lowell-violence?source=rss_viewed)

- LOWELL - Police have arrested two city men in connection with a Wednesday night shooting that injured several people.
- Chanphakdae Thang, 21, of 76 Fourth Ave., faces charges of armed assault with intent to murder, unlawful possession of ammunition and unlawful carrying of a firearm.
- Shane Downs, 31, of 2 Hamel Place, is charged with disturbing the peace.
- Officers responded around 11 p.m. Wednesday night to multiple 911 calls reporting several gunshots from the parking lot of the Tedeschi convenience store at 454 Bridge St. They found a man on the ground in the parking lot and two other gunshot victims nearby.
- Another victim later showed up at Lowell General Hospital.
- Both Thang and Downs are set to be arraigned Thursday in Lowell District Court.
- Police were called to the store at 10:59 p.m., after multiple 911 callers reported hearing several gunshots.
- Officers arrived to find a man on the ground in the store's parking lot, and began searching for a Hispanic male in gray shorts who fled down Bridge Street. Officers found that man at West Fourth and Bridge streets, but quickly realized that he, too, had been shot.
- About a minute later, officers found a third man shot in a parking lot behind the former police precinct at Bridge and West Fifth streets.
- That man was said to be critically injured, though he was conscious and screaming as EMT's rushed to his aid.
- When Trinity EMS was initially requested for the shootings, the dispatcher was heard over the police scanner saying, "Step it up."
- Several minutes later, an officer at the scene who was overheard on the police scanner, said, "There's people everywhere, there's victims everywhere, and not many cops here."
- Bridge Street was closed soon after.
- Police said one of the victims was taken directly to Cawley Stadium and flown to a Boston trauma center via medical helicopter.
- According to multiple postings on Twitter, emergency crews requested two other medical helicopters for victims of the mass shooting.
- Two men at Tedeschi's who declined to give their names said they were walking up Bridge Street shortly before 11 when they heard "two or three pops."
- "We came around the side of the building and saw a guy falling down slowly, and then sitting down against the side of a red truck."
- Those two men said one of a half-dozen other people were saying, "I can't believe you shot me," to the man slumped on the ground.
- The group of a half-dozen people then walked to a dark-colored car in the back of the Tedeschi's parking lot, and returned to the man sitting by the red truck.
- "One of them was saying, 'he shot me. he shot me,'" one of the men said. "Then one of them kicked the guy on the ground in the face - hard." Those two men said the group of about a half dozen people then got into the dark colored sedan and fled down Bridge Street, according to the witnesses.
- Those men were unable to talk more because police officers led them away from a report to give statements to police.
- There was also a reported drive-by shooting on Lane Court in the city's Highlands section. Police said they do not believe there was a shooting victim at that scene. A witness told The Sun he heard seven gunshots.
- Police radio broadcasts indicated police were looking for a black Acura sedan with a silver fender in connection with the incident, but it was not immediately clear if that vehicle had been located by midnight.
- Deputy Superintendent Arthur Ryan said police know at least four people were injured, though officers are still working to determine whether all four suffered gunshot wounds.
- Ryan said at 11:45 p.m., that once the shooting stopped, police began to slow things down.
- "Our purpose here now is to slow everything down and methodically investigate what happened," Ryan said. "We'll piece together what happened."
- Tweets from an unofficial Lowell Fire Department Twitter account with the Twitter handle @RomanBilly, in reaction to the shootings, included comments like "what a scene," and "Wild wild west."
- He also tweeted, "What a night in Lowell."
- Get on scene and where do you start bodies everywhere."

### **Boston man pleads guilty in Regis College murder**

**By Norman Miller, The MetroWest Daily News, August 31, 2012**

[http://www.metrowestdailynews.com/news/police\\_and\\_fire/x1632291492/Boston-man-pleads-guilty-in-Regis-College-murder](http://www.metrowestdailynews.com/news/police_and_fire/x1632291492/Boston-man-pleads-guilty-in-Regis-College-murder)

- WOBURN — A Boston man who stabbed a Waltham teen to death almost two years ago pleaded guilty today in Middlesex Superior Court to voluntary manslaughter.
- Robenson Daniel, 22, changed his plea from not guilty to guilty after a plea agreement with the prosecutor's office reduced the charge from first-degree murder.
- Judge Elizebeth Fahey sentenced Daniel to four to five years in prison, with credit for 700 days served.
- Daniel killed Elhadji Ndiaye, 18, at Regis College on Sept. 24, 2010.
- Daniel and Ndiaye were members of two different groups of men, none who were Regis students, visiting people in the dorm.
- The groups got into a fight, and during the fight Daniel stabbed one man six times, and then Ndiaye, who had a metal object raised in his arms as to strike someone, once through the heart and liver.
- After Daniel pleaded guilty, Ndiaye's father, Mamadou Ndiaye, had a chance to address the court, and Daniel.
- "We forgive you from our hearts," said the elder Ndiaye. "We forgive you, person-to-person, we forgive you."
- Daniel's lawyer, Mark Shea, said he still believed his client was innocent of all charges.
- "I couldn't take a chance for a life sentence for a 22-year-old man," Shea said.
- He said this sentence will allow Daniel to still have a chance to lead a productive life.
- After serving his prison term, Daniel will be on probation for five years.

**Archived:** Tuesday, March 12, 2019 10:00:12 AM

**From:** Leone, Gerard (NOR)

**To:** 'jodi.walker@state.ma.us'

**Subject:** FW: J.P. Lab, Dookham Cases

**Sensitivity:** Normal

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please double check this all. I would like redundancy in both of you, and concurrence.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)

**Sent:** Wednesday, September 05, 2012 6:48 AM

**To:** Leone, Gerard (NOR)

**Subject:** Re: J.P. Lab, Dookham Cases

There are @ least 29,000cases statewide-so, much of the first part is just getting to our real number-b/c of the way they keep their lists, that takes a bit of doing-I'll have this much in shape hopefully by tomorrow morning-

---

**From:** Leone, Gerard (NOR)

**Sent:** Wednesday, September 05, 2012 05:38 AM

**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>

**Cc:** 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>

**Subject:** J.P. Lab, Dookham Cases

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**From:** Vallaro, Guy (POL)

**Sent:** Wednesday, September 05, 2012 05:28 AM

**To:** Capeless, David (BER); Sutter, Samuel (BRI); OKeefe, Michael (CPI); Blodgett, Jonathan (EAS); Mastroianni, Mark (WES); Leone, Gerard (NOR); Morrissey, Michael (NFK); Sullivan, David (NWD); Cruz, Timothy (PLY); Conley, Daniel (SUF); Early, Joseph (MID); Maguire, Tara (DAA)

**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)

**Subject:** FW:

Let me know if this worked---having difficulties sending  
guy

---

**From:** Vallaro, Guy (POL)

**Sent:** Monday, September 03, 2012 10:03 PM

**To:** Early, Joseph (MID); OKeefe, Michael (CPI); Benedetti, Anthony(CPC)

**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)

**Subject:**

Gentlemen,

The attached 3 files are taken from the former DPH Drug Lab database and represent A. Dookhan's casework between 2004-2012. This data may be used to determine which cases A. Dookhan had direct involvement as a drug chemist. Note: A. Dookhan was officially taken off lab duty in June of 2011.

(Data for analysis performed under A. Dookhan's maiden name A. Khan in 2003-2004 will be forthcoming)

During most of the period between 2004-2012 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASD 2004 to 2008 second chemist. Sorted by Town
2. File JP ASD 2004-2008 first chemist. Sorted by Town
3. File JP ASD 2008-2012 first and second Sorted by County

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

The attached information includes Criminal Offender Record Information ("CORI") as defined in M.G.L. c. 6, s. 167 and is it being provided to you in the furtherance of official criminal justice duties and in the interest of public safety. Further dissemination of this information is strictly prohibited without the express written permission of the Executive Office of Public Safety and Security

We would appreciate if your respective offices could review these attached files as soon as possible on Tuesday September 4, 2012 and then plan to join us on a 12:00 pm (noon) teleconference call to discuss the contents of the files, and to provide us feedback and guidance in addressing the urgency of this situation.

Please do not disseminate this information until after we speak at 12 pm on Tuesday,

The call-in number: 218.844.3377 Passcode: 25530781#

Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory



**Archived:** Tuesday, March 12, 2019 10:00:17 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** RE: J.P. Lab, Dookham Cases  
**Sensitivity:** Normal

---

thanks!



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory

**Archived:** Tuesday, March 12, 2019 10:00:22 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Cc:** Wong, Howard (NOR)  
**Subject:** RE: J.P. Lab, Dookham Cases  
**Sensitivity:** Normal

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Thanks.

I have sent you multiple emails this a.m. that were received from SPCL and MDAA. Some may not have made it through your email capacity.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Subject:** Re: J.P. Lab, Dookham Cases

Courtney and I sorted the first list yesterday to take out the M'sex cases and we will do the same w this list today- Jodi has put together the list of our 12-15 open cases and I'll compare just to make certain that they have captured all of those on their list-

---

As has been the case w the lists the lab has provided on other issues, they are huge at first and often repeat info--but Courtney can get them into a workable format-  
Our discovery that "she violated testing protocol" remains accurate at this point-

---

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(Data for analysis performed under A. Dookhan's maiden name A. Khan in 2003-2004 will be forthcoming)

During most of the period between 2004-2012 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASD 2004 to 2008 second chemist. Sorted by Town
2. File JP ASD 2004-2008 first chemist. Sorted by Town
3. File JP ASD 2008-2012 first and second Sorted by County

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

The attached information includes Criminal Offender Record Information ("CORI") as defined in M.G.L. c. 6, s. 167 and is it being provided to you in the furtherance of official criminal justice duties and in the interest of public safety. Further dissemination of this information is strictly prohibited without the express written permission of the Executive Office of Public Safety and Security

We would appreciate if your respective offices could review these attached files as soon as possible on Tuesday September 4, 2012 and then plan to join us on a 12:00 pm (noon) teleconference call to discuss the contents of the files, and to provide us feedback and guidance in addressing the urgency of this situation.

Please do not disseminate this information until after we speak at 12 pm on Tuesday,

The call-in number: 218.844.3377 Passcode: 25530781#

Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory

**Archived:** Tuesday, March 12, 2019 10:00:26 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR)

**Cc:** 'jodi.walker@state.ma.us'

**Subject:** Re: J.P. Lab, Dookham Cases

**Sensitivity:** Normal

---

I'm at my office now.

Will open and delete duplicitous files.

---

**From:** Ryan, Marian (NOR)

**Sent:** Wednesday, September 05, 2012 06:46 AM

**To:** Leone, Gerard (NOR)

**Subject:** Re: J.P. Lab, Dookham Cases

---

I can open on my BB-

---

**From:** Leone, Gerard (NOR)

**Sent:** Wednesday, September 05, 2012 06:44 AM

**To:** 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ryan, Marian (NOR); 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>

**Subject:** J.P. Lab, Dookham Cases

---

**From:** Vallaro, Guy (POL)

**Sent:** Wednesday, September 05, 2012 06:23 AM

**To:** Vallaro, Guy (POL); Capeless, David (BER); Sutter, Samuel (BRI); OKeefe, Michael (CPI); Blodgett, Jonathan (EAS); Mastroianni, Mark (WES); Leone, Gerard (NOR); Morrissey, Michael (NFK); Sullivan, David (NWD); Cruz, Timothy (PLY); Conley, Daniel (SUF); Early, Joseph (MID); Maguire, Tara (DAA)

**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)

**Subject:** RE:

---

One more time since I did not receive any responses –please let me know if you can open three excel files

guy

---

**From:** Vallaro, Guy (POL)

**Sent:** Wednesday, September 05, 2012 5:28 AM

**To:** Capeless, David (BER); Sutter, Samuel (BRI); OKeefe, Michael (CPI); Blodgett, Jonathan (EAS); Mastroianni, Mark (WES); Leone, Gerard (NOR); Morrissey, Michael (NFK); Sullivan, David (NWD); Cruz, Timothy (PLY); Conley, Daniel (SUF); Early, Joseph (MID); Maguire, Tara (DAA)

**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)

**Subject:** FW:

---

Let me know if this worked---having difficulties sending

guy

---

**From:** Vallaro, Guy (POL)

**Sent:** Monday, September 03, 2012 10:03 PM

**To:** Early, Joseph (MID); OKeefe, Michael (CPI); Benedetti, Anthony(CPC)

**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)

**Subject:**

Gentlemen,

The attached 3 files are taken from the former DPH Drug Lab database and represent A. Dookhan's casework between 2004-2012. This data may be used to determine which cases A. Dookhan had direct involvement as a drug chemist. Note: A. Dookhan was officially taken off lab duty in June of 2011.

(Data for analysis performed under A. Dookhan's maiden name A. Khan in 2003-2004 will be forthcoming)

During most of the period between 2004-2012 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASD 2004 to 2008 second chemist. Sorted by Town
2. File JP ASD 2004-2008 first chemist. Sorted by Town
3. File JP ASD 2008-2012 first and second Sorted by County

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

The attached information includes Criminal Offender Record Information ("CORI") as defined in M.G.L. c. 6, s. 167 and is it being provided to you in the furtherance of official criminal justice duties and in the interest of public safety. Further dissemination of this information is strictly prohibited without the express written permission of the Executive Office of Public Safety and Security

We would appreciate if your respective offices could review these attached files as soon as possible on Tuesday September 4, 2012 and then plan to join us on a 12:00 pm (noon) teleconference call to discuss the contents of the files, and to provide us feedback and guidance in addressing the urgency of this situation.

Please do not disseminate this information until after we speak at 12 pm on Tuesday,

The call-in number: 218.844.3377 Passcode: 25530781#

Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory

**Archived:** Tuesday, March 12, 2019 10:00:35 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** RE: JP Lab, Dookham Cases  
**Sensitivity:** Normal

---

This list looks to have 9164 case entries.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Leone, Gerard (DAA) [mailto:[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)]  
**Sent:** Wednesday, September 05, 2012 5:38 AM  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** JP Lab, Dookham Cases

---

**From:** Vallaro, Guy (POL)  
**Sent:** Wednesday, September 05, 2012 05:16 AM  
**To:** Capeless, David (BER); Sutter, Samuel (BRI); OKeefe, Michael (CPI); Blodgett, Jonathan (EAS); Mastroianni, Mark (WES); Leone, Gerard (NOR); Morrissey, Michael (NFK); Sullivan, David (NWD); Cruz, Timothy (PLY); Conley, Daniel (SUF); Early, Joseph (MID); Maguire, Tara (DAA)  
**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)  
**Subject:** FW:

As requested

guy

---

**From:** Vallaro, Guy (POL)  
**Sent:** Tuesday, September 04, 2012 2:44 PM  
**To:** Early, Joseph (MID); OKeefe, Michael (CPI); Benedetti, Anthony(CPC); 'Anne Goldbach'  
**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)  
**Subject:**

The attached file is taken from the former DPH Drug Lab database and represent A.Khan (A.Dookhan's maiden name) casework between 2003-2005. This data may be used to determine which cases A. Khan had direct involvement as a drug chemist.

During the period between 2003-2005 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary

screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASK 2003 to 2005 primary and secondary chemist. Sorted by Town

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

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Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory



**Archived:** Tuesday, March 12, 2019 10:00:46 AM

**From:** Leone, Gerard (NOR)

**To:** Sullivan, David (NWD)

**Subject:** RE: Crime Lab investigation from Nancy Bennett, Deputy Chief Counsel, Private Counsel Division and Anne Goldbach, Forensic Services Director

**Sensitivity:** Normal

---

thanks!



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Sullivan, David (NWD)

**Sent:** Wednesday, September 05, 2012 11:15 AM

**To:** DAA-DL-DA&EXEC.ASST; Maguire, Tara (DAA)

**Cc:** Jeremy Bucci ([jeremy.bucci@state.ma.us](mailto:jeremy.bucci@state.ma.us)); Gagne, Steven E. (NWD); Healy, Janice (NWD)

**Subject:** Crime Lab investigation from Nancy Bennett, Deputy Chief Counsel, Private Counsel Division and Anne Goldbach, Forensic Services Director

Fellow DAs: Please find the CPCS memo and sample Discovery Motion for Discovery. This gives a clear roadmap as to what to expect from the CPCS and private defense bar.

---

**Subject:** Message re Crime Lab investigation from Nancy Bennett, Deputy Chief Counsel, Private Counsel Division and Anne Goldbach, Forensic Services Director

----- Original Message -----

**Subject:** Message re Crime Lab investigation from Nancy Bennett, Deputy Chief Counsel, Private Counsel Division and Anne Goldbach, Forensic Services Director

**Date:** Tue, 4 Sep 2012 15:01:01 -0400 (EDT)

**From:** Nancy Bennett <[nbennett@publiccounsel.net](mailto:nbennett@publiccounsel.net)>

**To:** 'BAPS' <[baradvocates@publiccounsel.net](mailto:baradvocates@publiccounsel.net)>, 'barnstableba' <[barnstableba@publiccounsel.net](mailto:barnstableba@publiccounsel.net)>, 'BarnstableBAP/J Higgins office' <[jjhiggins@verizon.net](mailto:jjhiggins@verizon.net)>, 'Beck Carol' <[cbeck@publiccounsel.net](mailto:cbeck@publiccounsel.net)>, 'BennettN' <[nbennett@publiccounsel.net](mailto:nbennett@publiccounsel.net)>, 'Berkshire1' <[berkshireba@publiccounsel.net](mailto:berkshireba@publiccounsel.net)>, <[GerlindeLowe@aol.com](mailto:GerlindeLowe@aol.com)>, 'essex cty bar adv/alt address' <[Ecbaa@aol.com](mailto:Ecbaa@aol.com)>, 'FranklinBA' <[Franklinba@publiccounsel.net](mailto:Franklinba@publiccounsel.net)>, 'Glenda Cortes SLJ' <[gcortes@sljinc.org](mailto:gcortes@sljinc.org)>, 'Hallinan@aol.com' <[DavidHallinan@aol.com](mailto:DavidHallinan@aol.com)>, 'hampden bap' <[hampdenba@publiccounsel.net](mailto:hampdenba@publiccounsel.net)>, 'Hampshire County Bar Association' <[hcba@crocker.com](mailto:hcba@crocker.com)>, Jill Klowden <[jklowden@publiccounsel.net](mailto:jklowden@publiccounsel.net)>, 'Lazzara Joyce' <[jlazzara@publiccounsel.net](mailto:jlazzara@publiccounsel.net)>, Matt Gilbertson <[mgilbertson@publiccounsel.net](mailto:mgilbertson@publiccounsel.net)>, 'MDA.Admin' <[jstone@MDALaw.org](mailto:jstone@MDALaw.org)>, 'Norfolk BA' <[norfolkba@publiccounsel.net](mailto:norfolkba@publiccounsel.net)>, 'O'Leary Nancy' <[noleary@publiccounsel.net](mailto:noleary@publiccounsel.net)>, 'pilgrim BAP office' <[pilgrimadv@publiccounsel.net](mailto:pilgrimadv@publiccounsel.net)>, 'R Dembowski' <[rdembowski@publiccounsel.net](mailto:rdembowski@publiccounsel.net)>, 'SLJ Director' <[director@sljinc.org](mailto:director@sljinc.org)>, 'worchester b.a.' <[worchesterba@publiccounsel.net](mailto:worchesterba@publiccounsel.net)>

Dear Program Administrators,  
Please forward this message today to all your attorneys.

As the press has been reporting over the last several days, serious misconduct at the Hinton crime lab in Jamaica Plain has led the Governor to close the lab. This lab handled evidence for prosecutions in Bristol, Plymouth, Barnstable, Dukes, Nantucket, Norfolk, Suffolk, Essex, and Middlesex counties and the apparent misconduct dates from the present back to at least 2003. One chemist, Annie Dookhan (formerly known as Annie Kahn) has been identified and fired due to having improperly handled evidence. Subsequently two supervisors have been removed and the entire lab shut down, indicating that the problem was not limited to one chemist.

**This unfolding investigation indicates that some or all of the evidence from that lab is tainted and cannot support prosecutions. Any case involving evidence from that lab deserves careful scrutiny in light of this new information, which is only beginning to come out, before any such case goes to trial or plea.** Every client facing charges based on evidence from this lab needs advice from counsel about how the misconduct being revealed at the lab may impact the case.

Retesting of evidence by a different chemist would not appear to establish lack of prior mishandling or fabrication and thus would not undo the taint. If samples were mishandled, retesting would not eliminate the possibility of misidentified, contaminated or incorrectly weighed samples.

Thus, after consulting in detail with the client, every attorney handling a pending case based on evidence analyzed in whole or in part by Ms. Dookhan (aka Kahn) or at the Jamaica Plain lab during the relevant period should consider:

1. Seeking the release on bail of any client in custody while counsel files a
2. Motion to Dismiss and/or
3. Motions for Discovery of all information regarding the handling of evidence in the particular case.

The CPCS Forensics Services Director Anne Goldbach has prepared the following documents which are attached to this message: A sample motion for discovery, as well as a compilation of press reports on the investigation to be used by counsel to compose supporting affidavits and a list of issues for consideration which may or may not be relevant to individual cases. Denial of such motions should be objected to on the record in order to preserve the issues, since the ongoing investigation may provide even more relevant information.

More information about this investigation and ideas on handling affected cases will be forthcoming shortly.

Thank you for your work on these cases.

**Archived:** Tuesday, March 12, 2019 10:01:23 AM  
**From:** Leone, Gerard (NOR)  
**To:** Marian.Ryan@state.ma.us; Walker, Jodi (NOR)  
**Cc:** Leone, Gerard (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** J.P. Lab Cases, motion to continue  
**Sensitivity:** Normal  
**Attachments:**  
[motion to continue \[REDACTED\].doc](#);

---

[See my edits to the attached, and use this as a template for now.](#)  
thanks



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 1:04 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: motion to continue

Dave Rubin has a Dookhan case on this afternoon. He intends to file the attached motion which Jodi and I have reviewed and are comfortable with it.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**From:** Rubin, David (NOR)  
**Sent:** Wednesday, September 05, 2012 12:50 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Dunigan, Elizabeth (NOR)  
**Cc:** Kerr, James (NOR); Balliro, Fawn (NOR)  
**Subject:** motion to continue

Another try.

David Rubin  
Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
Ph: [REDACTED]  
Fax: [REDACTED]

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# COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT  
DOCKET NOS. [REDACTED]

COMMONWEALTH

v.  
[REDACTED]

---

## COMMONWEALTH'S TO MOTION TO CONTINUE

---

Now comes the Commonwealth in the above captioned matter and respectfully requests that this honorable court continue the trial date on this matter. As reason therefore the Commonwealth states:

1. This indictment accuses the defendant of trafficking in oxycodone by possessing with the intent to distribute 700 tablets of Oxycontin, weighing 189.30 grams.
2. The case is currently scheduled for trial on [REDACTED].
3. The tablets at issue in this case were tested and weighed at the Department of Public Health Laboratory in Jamaica Plain.
4. The primary chemist in this case was Annie Dookhan.
5. In July of 2012 operation of the laboratory was transferred from the Department of Public Health to the Department of State Police.
6. On August 30, 2012 the state police announced that they would be closing the laboratory, and were conducting an investigation into matters regarding Chemist Dookhan and the Lab.
7. The MA AGO confirmed that they were conducting an investigation into Chemist Dookhan and the Lab.
8. The EOPSS and the MSP have reported to the MA District Attorneys, and confirmed publicly, that there is a connection between the laboratory closing and the conduct of the chemist who was involved in the testing in this case.

9. Further information regarding the laboratory closure and the basis for the closure has been requested by the MA District Attorneys, and is still apparently fluid and pending development. As the undersigned Assistant District Attorney becomes aware of new information, notice will be provided to the defendant, through his attorney, and the Court, to ensure the ends of justice are achieved.

Respectfully Submitted  
For the Commonwealth,

GERARD T. LEONE, JR.  
DISTRICT ATTORNEY

By:

\_\_\_\_\_  
David Rubin  
Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
BBO No. [REDACTED]

Date:

**Archived:** Tuesday, March 12, 2019 10:01:28 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Leone, Gerard (NOR); Pastore, Jessica Venezia (NOR)  
**Subject:** RE: DRAFT-MDAO Internal Communication  
**Sensitivity:** Normal

---

See my suggested edits.  
Sure, show to Jess, to see if she has any comments.  
Thanks



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 12:32 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** DRAFT-MDAO Internal Communication

Here is a draft of what Jodi and I are proposing to send to all ADAs:

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the {state Lab in Jamaica Plain - formal name?}. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the *primary or secondary chemist*, please email me **by Friday, September 7, 2012**, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me [REDACTED] before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you

have any questions, suggestions about this matter, please give us a call.

Would you like us to share w Jess before sending? [SURE, thanks](#)

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:01:32 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Subject:** RE: J.P. Lab, Dookham Cases  
**Sensitivity:** Normal

---

ok, thanks.  
I appreciate you taking this on.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Walker, Jodi (NOR)  
**Sent:** Wednesday, September 05, 2012 1:39 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: J.P. Lab, Dookham Cases

Will do today, no problem.

I will reply to all but for your info we appear to have only 15-20 pending cases. The number of closed middlesex cases is daunting.

Sent from my iPhone

On Sep 5, 2012, at 7:04 AM, "Leone, Gerard (DAA)" <[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)> wrote:

please double check this all. I would like redundancy in both of you, and concurrence.

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 6:48 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: J.P. Lab, Dookham Cases

There are @ least 29,000cases statewide-so, much of the first part is just getting to our real number-b/c of the way they keep their lists, that takes a bit of doing-I'll have this much in shape hopefully by tomorrow morning-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, September 05, 2012 05:38 AM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Cc:** 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>  
**Subject:** J.P. Lab, Dookham Cases

---

**From:** Vallaro, Guy (POL)  
**Sent:** Wednesday, September 05, 2012 05:28 AM  
**To:** Capeless, David (BER); Sutter, Samuel (BRI); OKeefe, Michael (CPI); Blodgett, Jonathan (EAS); Mastroianni, Mark (WES); Leone, Gerard (NOR); Morrissey, Michael (NFK); Sullivan, David (NWD); Cruz, Timothy (PLY); Conley, Daniel (SUF); Early, Joseph (MID); Maguire, Tara (DAA)  
**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)  
**Subject:** FW:

Let me know if this worked---having difficulties sending  
guy

---

**From:** Vallaro, Guy (POL)  
**Sent:** Monday, September 03, 2012 10:03 PM  
**To:** Early, Joseph (MID); OKeefe, Michael (CPI); Benedetti, Anthony(CPC)  
**Cc:** Wood, Curtis (EPS); Matthews, Francis (POL); Connolly, James, Major (POL)  
**Subject:**

Gentlemen,

The attached 3 files are taken from the former DPH Drug Lab database and represent A. Dookhan's casework between 2004-2012. This data may be used to determine which cases A. Dookhan had direct involvement as a drug chemist. Note: A. Dookhan was officially taken off lab duty in June of 2011.

(Data for analysis performed under A. Dookhan's maiden name A. Khan in 2003-2004 will be forthcoming)

During most of the period between 2004-2012 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASD 2004 to 2008 second chemist. Sorted by Town
2. File JP ASD 2004-2008 first chemist. Sorted by Town
3. File JP ASD 2008-2012 first and second Sorted by County

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

The attached information includes Criminal Offender Record Information ("CORI") as defined in M.G.L. c. 6, s. 167 and is it being provided to you in the furtherance of official criminal justice duties and in the interest of public safety. Further dissemination of this information is strictly prohibited without the express written permission of the Executive Office of Public Safety and Security

We would appreciate if your respective offices could review these attached files as soon as possible on Tuesday September 4, 2012 and then plan to join us on a 12:00 pm (noon) teleconference call to discuss the contents of the files, and to provide us feedback and guidance in addressing the urgency of this situation.

Please do not disseminate this information until after we speak at 12 pm on Tuesday, The call-in number: 218.844.3377 Passcode: 25530781#

Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory

**Archived:** Tuesday, March 12, 2019 10:01:37 AM

**From:** Leone, Gerard (NOR)

**To:** 'Michael Pelgro'

**Subject:** RE: J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

**Sensitivity:** Normal

---

ok, thanks



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
(781) 897-8316 | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Michael Pelgro [mailto:[mpelgro@pkjlaw.com](mailto:mpelgro@pkjlaw.com)]

**Sent:** Wednesday, September 05, 2012 12:14 PM

**To:** Leone, Gerard (NOR)

**Subject:** RE: J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

Attached.

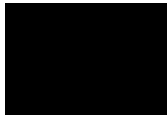
Please keep this confidential.

I'd prefer that the defense bar not learn that I shared this with you.

Thanks.

**Michael J. Pelgro | Partner**

Perry, Krumsiek & Jack, LLP  
101 Arch Street, 19<sup>th</sup> Floor  
Boston, MA 02110



(office)  
(fax)  
(mobile)

[www.pkjlaw.com](http://www.pkjlaw.com)

---

**From:** Leone, Gerard (DAA) [mailto:[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)]

**Sent:** Wednesday, September 05, 2012 11:48 AM

**To:** 'Michael Pelgro'

**Subject:** RE: J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

agreed, thanks Mike.

Do you have one of those discovery templates that you could share?



Gerard T. Leone, Jr. | Middlesex District Attorney  
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---

**From:** Michael Pelgro [<mailto:mpelgro@pkjlaw.com>]  
**Sent:** Wednesday, September 05, 2012 11:22 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

Hi Gerry,

What a mess.

MACDL and CPCS have put together, and distributed, a massive multiple-part discovery request to be filed in pending cases.

You will probably start seeing those very soon. A uniform response from the MDAO is called for.

I would be surprised if this is limited only to pending cases, and anticipate Rule 30 motions from imprisoned defendants and others (i.e., federal drug defendants who need to vacate prior convictions to avoid 851 consequences).

**Michael J. Pelgro** | Partner

Perry, Krumsiek & Jack, LLP  
101 Arch Street, 19<sup>th</sup> Floor  
Boston, MA 02110

[REDACTED] (office)  
[REDACTED] (fax)  
[REDACTED] (mobile)

[www.pkjlaw.com](http://www.pkjlaw.com)

---

**From:** Leone, Gerard (DAA) [<mailto:gerard.leone@state.ma.us>]  
**Sent:** Wednesday, September 05, 2012 11:03 AM  
**To:** Ryan, Marian (DAA); Walker, Jodi (NOR); Wechsler, Pamela (DAA); Ellis, Sarah (DAA); Lynch, Adrienne (DAA)  
**Cc:** 'mpelgro@pkjlaw.com'  
**Subject:** RE: J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

keep in mind that it needs to be written as if the whole world would see it.



Gerard T. Leone, Jr. | Middlesex District Attorney  
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[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 11:01 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Lynch, Adrienne (NOR)  
**Cc:** 'mpelgro@pkjlaw.com'  
**Subject:** Re: J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

Doing that now-

---

**From:** Leone, Gerard (DAA) [<mailto:gerry.leone@massmail.state.ma.us>]  
**Sent:** Wednesday, September 05, 2012 10:59 AM  
**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Lynch, Adrienne (NOR)  
**Cc:** 'mpelgro@pkjlaw.com' <[mpelgro@pkjlaw.com](mailto:mpelgro@pkjlaw.com)>  
**Subject:** RE: J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

I would like a draft communication to consider going out to our staff asap regarding a general informational about this matter, and initial guidance on what to do/not to do.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, September 05, 2012 10:34 AM  
**To:** [Marian.Ryan@state.ma.us](mailto:Marian.Ryan@state.ma.us); 'jodi.walker@state.ma.us'; Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Lynch, Adrienne (NOR)  
**Cc:** 'mpelgro@pkjlaw.com'; Leone, Gerard (NOR)  
**Subject:** J.P. Lab Issues - DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

FYI.

I am on a con call wih the DAs now regarding these issues.

I would like Marian (our Lab POC) and Jodi (our Discovery POC) to be our POC on these issues from an internal operational standpoint (The Cases/Defendants), and we will need to craft internal (to/with our staff) and external messaging (public).

Jodi and Marian have the case/defendant lists now from the SPCL, and are working on our pending/disposed case/defendant inventory - STEP 1.

We want to be able to communicate our present state of action asap to our staff and others (defense bar, judges, etc.).

EXEC



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** State House News Service [<mailto:news@statehousenews.com>]  
**Sent:** Tuesday, September 04, 2012 5:13 PM  
**To:** [news@statehousenews.com](mailto:news@statehousenews.com)  
**Subject:** DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

## DEFENSE ATTORNEYS RAISE QUESTIONS IN WAKE OF CRIME LAB CLOSING

By Colleen Quinn  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 4, 2012....As law enforcement officials gather lists of drug cases where evidence could have been tainted by a chemist under investigation, defense attorneys are questioning why state officials failed to catch the problem sooner and why prosecutors said there was no reason for concern when they tried to protest the chemist's involvement in drug cases.

One high-profile Boston defense attorney called the closing of a state drug testing crime lab a "colossal" failure of the entire system that allowed a chemist to improperly handle drug evidence without it being detected by her supervisors. In the wake of the investigation, State Police suspended a supervisor and the Department of Public Health suspended a division director.

"There is some sort of colossal break in the system that goes far beyond this one individual," said Boston defense attorney Rosemary Scapicchio. "How did the system set up to catch this not catch it? How is it there such a colossal failure of this system so this woman could get away with this for seven years? The procedures in place can't be being followed."

"The real story is the failure of the system to catch something like this," she added.

Prosecutors and State Police have said they are "furious" that there could be "miscarriages of justice" and people wrongly convicted because of the chemist's alleged actions at the Hinton State Laboratory in Jamaica Plain. State Police last Thursday closed the lab down indefinitely after uncovering potentially thousands of cases, spanning seven years, that could have been improperly handled by a chemist who resigned in March. State Police and the attorney general's office are investigating whether any criminal charges will be filed, State Police spokesman David Procopio said Tuesday.

State Police are still in the process of compiling lists of samples handled by the chemist in question, according to Procopio. The chemist was responsible for analyzing drug substances, and indicating the weights of the drugs. The cases are mainly from Suffolk and Norfolk County, with some from Bristol County and the Cape and the Islands, State Police said.

Cape and the Islands District Attorney Michael O'Keefe said DAs around the state spoke with state officials via telephone Tuesday, and plan another telephone meeting among themselves Wednesday. O'Keefe said the process of reviewing impacted cases is labor intensive, and there "will be costs associated with it."

"It is going to be difficult," he said.

O'Keefe said it will take a few more days before law enforcement officials fully assess the impact and the number of cases involved.

O'Keefe said the primary concern among district attorneys is the "integrity of the criminal justice system. We are going to do everything we can to promote that end. It is premature yet to say exactly what form that will take."

"Clearly the greatest concern is that someone was convicted of a crime based on evidence that wouldn't support conviction," said Jake Wark, a spokesman for Suffolk County District Attorney Daniel Conley. "Our deep concern is that defendants were convicted unfairly."

Scapicchio said defense attorneys around the state were concerned about the chemist's involvement in criminal cases for the past several months.

In February 2012, the Norfolk District Attorney's Office was notified by the Department of Public Health that it was investigating questions about the chain of custody of evidence for a single day in June 2011 involving 90 samples in 60 cases, according to David Traub, a spokesman for Norfolk District Attorney Michael Morrissey. The Norfolk DA immediately shared the information with defense attorneys. "We made it clear to them as soon as we knew it," Traub said.

At the time, state officials were looking into the actions of a single chemist who conducted tests on samples that had been appropriately signed out by an evidence officer, Traub said.

After the commonwealth came forward informing defense attorneys they were looking into the actions of the chemist, defense attorneys from different parts of the state began filing motions for evidentiary hearings anytime the chemist under investigation was involved in a drug case, Scapicchio said. State prosecutors would argue the cases were limited to Norfolk County, and they were an isolated incident on one day, she said.

"The courts would say you can't relate it. You need to go forward and try this case without an evidentiary hearing," Scapicchio said. "Defense attorneys were losing these motions routinely."

Scapicchio said she and other defense attorneys want to know how the system failed to catch any discrepancies.

"I don't think the answer is let's re-test the drugs and go on. If we don't know how the system failed we can't be sure of any the results of these so-called scientific tests," Scapicchio said.

END

09/04/2012

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**Archived:** Tuesday, March 12, 2019 10:01:51 AM

**From:** Leone, Gerard (NOR)

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Marian.Ryan@state.ma.us

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); NOR-DL-LEGAL SENIOR LEADERSHIP

**Subject:** J.P. Lab, Comm. Motions to Continue - Annie Dookhan

**Sensitivity:** Normal

**Attachments:**

[motion to continue \[REDACTED\] \(4\).doc](#);

---

Thank you.



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
(781) 897-8316 | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Walker, Jodi (NOR)

**Sent:** Wednesday, September 05, 2012 1:55 PM

**To:** Pastore, Jessica Venezia (NOR)

**Cc:** Leone, Gerard (NOR); Ryan, Marian (NOR)

**Subject:** FW: Revised Motion to Continue - Annie Dookhan

This is the version Dave is filing, Jess.

*Jodi Walker*

*Special Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

(T) [REDACTED]

(F) [REDACTED]

[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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---

**From:** Walker, Jodi (NOR)

**Sent:** Wednesday, September 05, 2012 1:33 PM

**To:** Rubin, David (NOR)

**Cc:** Leone, Gerard (NOR); Ryan, Marian (NOR); Dunigan, Elizabeth (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)

**Subject:** Revised Motion to Continue - Annie Dookhan



Dave – Thanks for reaching out to Marian and I this morning, and preparing the attached motion. Please file the attached version in your case today., which has a few additional small edits, and let us know if how it goes. Feel free to give me [REDACTED] or Marian a call if you have any other questions or issues.

*Jodi Walker*  
*Special Counsel to District Attorney Gerry Leone*  
*Middlesex District Attorney's Office*  
*15 Commonwealth Avenue*  
*Woburn, MA 01801*  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 10:01:55 AM  
**From:** Leone, Gerard (NOR)  
**To:** Leone, Gerard (NOR); Maguire, Tara (DAA)  
**Cc:** 'jodi.walker@state.ma.us'; Marian.Ryan@state.ma.us  
**Subject:** JP Lab/Dookhan Cases - MDAO Internal Communication  
**Sensitivity:** Normal

---

FYI Tara.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 1:39 PM  
**To:** NOR-DL-ALL MIDDLESEX ADA's  
**Cc:** Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)  
**Subject:** JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me [REDACTED] before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:02:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Pastore, Jessica Venezia (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: Looks like list should be arriving soon, fyi  
**Sensitivity:** Normal

---

we had the general lists this a.m. I shared them with MTR and JW. We are waiting on info about the investigation, and more particularized info on the cases and defendants.

---

**From:** Pastore, Jessica Venezia (NOR)  
**Sent:** Wednesday, September 05, 2012 04:53 PM  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** Looks like list should be arriving soon, fyi

**DA has list of potentially tainted drug cases**

**By Laura Krantz, The MetroWest Daily News, September 5, 2012**

<http://www.metrowestdailynews.com/news/x1526496037/DA-has-list-of-potentially-tainted-drug-cases>

FRAMINGHAM — Middlesex District Attorney Gerry Leone's office has been sent a list of drug cases that might be affected by improper behavior at the recently closed state crime lab in Jamaica Plain, state officials said today.

All Massachusetts District Attorneys were sent lists of affected cases Tuesday night, said Terrel Harris, spokesman for the Executive Office of Public Safety.

Meanwhile, a spokeswoman for Leone's office Wednesday said the DA does not yet have the list.

On Aug. 30, Gov. Deval Patrick ordered state police to shut down the Hinton State Laboratory Institute in Jamaica Plain after an investigation found a chemist improperly handled evidence and breached testing procedures.

State officials have estimated a chemist's misconduct could have tainted evidence in as many as 29,000 cases across the state, mainly in Suffolk and Norfolk Counties.

Middlesex County, which includes most MetroWest towns, used the lab for about six years before 2009, Leone's office said. Now they primarily use a lab in Sudbury.

Read more: <http://www.metrowestdailynews.com/news/x1526496037/DA-has-list-of-potentially-tainted-drug-cases#ixzz25dAhmZhA>

**Archived:** Tuesday, March 12, 2019 10:02:06 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: Possible Dookhan COP  
**Sensitivity:** Normal

---

Thx

For now, any change in status: bail, charge, dispo should be approved by me.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 04:34 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** RE: Possible Dookhan COP

Okay-the issue is going to be bail right now-

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, September 05, 2012 4:14 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** RE: Possible Dookhan COP

please have me approve any dispositions in any of these matters until we discuss further.,  
thanks



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 4:11 PM  
**To:** Walker, Jodi (NOR)

**Cc:** Leone, Gerard (NOR)  
**Subject:** Possible Dookhan COP

Will be continued-  
Bail may be an issue, Amanda will talk w defense counsel and let me know.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:02:09 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** Re: Possible Dookhan COP  
**Sensitivity:** Normal

---

Thanks

---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 05, 2012 04:10 PM  
**To:** Walker, Jodi (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** Possible Dookhan COP

Will be continued-  
Bail may be an issue, Amanda will talk w defense counsel and let me know.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:02:11 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** Fw: J.P. Lab - DAs Draft Letter to Governor  
**Sensitivity:** Normal

---

---


**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, September 06, 2012 07:41 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: J.P. Lab - DAs Draft Letter to Governor

That's a very good question!

-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**To:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>, "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US>, "Early, Joseph (MID)" <Joseph.Early@MassMail.State.MA.US>, "OKeefe, Michael (CPI)" <Michael.Keefe@MassMail.State.MA.US>  
**Sent:** Thu, Sep 6, 2012 11:36:34 GMT+00:00  
**Subject:** RE: J.P. Lab - DAs Draft Letter to Governor

If we haven't sent the letter yet, why is the Globe reporting about the "drafting of it in today's Globe, with specific references to what we are saying?"

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, September 06, 2012 7:10 AM  
**To:** Maguire, Tara (DAA)  
**Cc:** 'jodi.walker@state.ma.us'; Marian.Ryan@state.ma.us; Leone, Gerard (NOR)  
**Subject:** J.P. Lab - DAs Draft Letter to Governor

Tara:  
See a few observations of our staff below regarding the letter.  
Thanks


1. There was much discussion about who to send the letter to and who to cc. Right now, it is addressed only to the Governor. Perhaps this is because the letter is in draft form only?  
Last week, the AGO promised a factual statement in writing by Friday of this week - ?



The legislature, court, and CPCS, at a minimum, also need to be copied on this document as partners in resolving these issues. To that point, the letter (very strong and aggressive in tone in some respects, could also benefit from some language about working with other agencies - The Defense Bar, the Courts and Legislature to resolve this matter justly asap once we have the information, which hopefully will be quickly. (How the defense bar may actually helpfully assist us in identifying cases where Dookhan was a possible witness.)

2. At times the letter seems to sweep the whole DPH Lab into the lens of suspicion, while at other times the letter seems focused on Dookhan. (There is also a mention in the 1st paragraph to two unnamed suspended employees - ?) For example, in the end of the 4th paragraph, beginning with the word "First," the sentence talks about DAOs generally litigating MTS evidence from THE LAB, in its entirety, and then concedes that doing so was a violation of defendants' rights. Whether we can or should concede this violation now - the word "may" seems more appropriate, especially because we don't actually know the facts yet. Also, more generally beyond this sentence, the letter may need to be tailored so that the focus is consistent. Indeed, we don't know yet what we don't know, so the focus could properly be the whole Lab as opposed to just Dookhan.

3. There are some stylistic inconsistencies in the letter - small stuff. For example, the Lab is not referred to consistently throughout the letter. It is defined as a term in the 1st paragraph, but referred to later as the "Jamaica Plain Lab." Likely due to multiple authors.

Gerard T. Leone, Jr. | Middlesex District Attorney  
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**Archived:** Tuesday, March 12, 2019 10:02:17 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** Re: J.P. Lab - DAs Draft Letter to Governor  
**Sensitivity:** Normal

---


Agreed.

----- Original Message -----  
From: Ryan, Marian (NOR)  
Sent: Thursday, September 06, 2012 07:38 AM  
To: Leone, Gerard (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: Re: J.P. Lab - DAs Draft Letter to Governor

Between that and TV news themedia may as well have been on the call

----- Original Message -----  
From: Leone, Gerard (DAA) [<mailto:gerry.leone@massmail.state.ma.us>]  
Sent: Thursday, September 06, 2012 07:36 AM  
To: Leone, Gerard (NOR); Maguire, Tara (DAA); Early, Joseph (MID); OKeefe, Michael (CPI)  
Subject: RE: J.P. Lab - DAs Draft Letter to Governor

If we haven't sent the letter yet, why is the Globe reporting about the "drafting of it in today's Globe, with specific references to what we are saying?

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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-----Original Message-----  
From: Leone, Gerard (NOR)  
Sent: Thursday, September 06, 2012 7:10 AM  
To: Maguire, Tara (DAA)  
Cc: 'jodi.walker@state.ma.us'; Marian.Ryan@state.ma.us; Leone, Gerard (NOR)  
Subject: J.P. Lab - DAs Draft Letter to Governor

Tara:  
See a few observations of our staff below regarding the letter.  
Thanks

1. There was much discussion about who to send the letter to and who to cc. Right now, it is addressed only

to the Governor. Perhaps this is because the letter is in draft form only?

Last week, the AGO promised a factual statement in writing by Friday of this week - ?

The legislature, court, and CPCS, at a minimum, also need to be copied on this document as partners in resolving these issues.

To that point, the letter (very strong and aggressive in tone in some respects, could also benefit from some language about working with other agencies - The Defense Bar, the Courts and Legislature to resolve this matter justly asap once we have the information, which hopefully will be quickly. (How the defense bar may actually helpfully assist us in identifying cases where Dookhan was a possible witness.)

2. At times the letter seems to sweep the whole DPH Lab into the lens of suspicion, while at other times the letter seems focused on Dookhan. (There is also a mention in the 1st paragraph to two unnamed suspended employees - ?) For example, in the end of the 4th paragraph, beginning with the word "First," the sentence talks about DAOs generally litigating MTS evidence from THE LAB, in its entirety, and then concedes that doing so was a violation of defendants' rights. Whether we can or should concede this violation now - the word "may" seems more appropriate, especially because we don't actually know the facts yet. Also, more generally beyond this sentence, the letter may need to be tailored so that the focus is consistent. Indeed, we don't know yet what we don't know, so the focus could properly be the whole Lab as opposed to just Dookhan.

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Gerard T. Leone, Jr. | Middlesex District Attorney  
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**Archived:** Tuesday, March 12, 2019 10:02:19 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Re: J.P. Lab - DAs Draft Letter to Governor  
**Sensitivity:** Normal

---

I saw it, and am still confused.

----- Original Message -----

From: OKeefe, Michael (CPI)  
Sent: Thursday, September 06, 2012 07:49 AM  
To: Leone, Gerard (NOR)  
Subject: Re: J.P. Lab - DAs Draft Letter to Governor

See my email last night.

Sent from my iPhone

On Sep 6, 2012, at 7:36 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> If we haven't sent the letter yet, why is the Globe reporting about the "drafting of it in today's Globe, with specific references to what we are saying?

>

>

> Gerard T. Leone, Jr. | Middlesex District Attorney  
> 15 Commonwealth Ave., Woburn, MA 01801  
> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

>

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>

>

> -----Original Message-----

> From: Leone, Gerard (NOR)  
> Sent: Thursday, September 06, 2012 7:10 AM  
> To: Maguire, Tara (DAA)  
> Cc: 'jodi.walker@state.ma.us'; Marian.Ryan@state.ma.us; Leone, Gerard (NOR)  
> Subject: J.P. Lab - DAs Draft Letter to Governor

>

>

> Tara:  
> See a few observations of our staff below regarding the letter.  
> Thanks

>

> 1. There was much discussion about who to send the letter to and who to cc. Right now, it is addressed only to the Governor. Perhaps this is because the letter is in draft form only?

> Last week, the AGO promised a factual statement in writing by Friday of this week - ?

> The legislature, court, and CPCS, at a minimum, also need to be copied on this document as partners in resolving these issues.

> To that point, the letter (very strong and aggressive in tone in some respects, could also benefit from some language about working with other agencies - The Defense Bar, the Courts and Legislature to resolve this matter justly asap once we have the information, which hopefully will be quickly. (How the defense bar may actually helpfully assist us in identifying cases where Dookhan was a possible witness.)

>

> 2. At times the letter seems to sweep the whole DPH Lab into the lens of suspicion, while at other times the letter seems focused on Dookhan. (There is also a mention in the 1st paragraph to two unnamed suspended employees - ?) For example, in the end of the 4th paragraph, beginning with the word "First," the sentence talks about DAOs generally litigating MTS evidence from THE LAB, in its entirety, and then concedes that doing so was a violation of defendants' rights. Whether we can or should concede this violation now - the word "may" seems more appropriate, especially because we don't actually know the facts yet. Also, more generally beyond this sentence, the letter may need to be tailored so that the focus is consistent. Indeed, we don't know yet what we don't know, so the focus could properly be the whole Lab as opposed to just Dookhan.

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>

> Gerard T. Leone, Jr. | Middlesex District Attorney  
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>

**Archived:** Tuesday, March 12, 2019 10:02:22 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: J.P. Lab - DAs Letter to Governor  
**Sensitivity:** Normal

---

Thanks  
Letter not sent yet.  
Just sent newest version to you as received.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, September 06, 2012 05:38 AM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR); Leone, Gerard (NOR)  
Subject: RE: J.P. Lab - DAs Letter to Governor

Morning all -

I've reviewed the letter more carefully again this morning. I'm not sure from emails last night if this letter has been sent already and/or if others have been apprised of its substance.

Assuming that there is time yet to comment, here are a few observations:

1. There was much discussion about who to send the letter to and who to cc. Right now, it is addressed only to the Governor. Perhaps this is because the letter is in draft form only? I agree that the to and/or cc list needs to be broader, especially because in the beginning of the letter we are demanding a factual recounting of the alleged misconduct, something that will likely trigger facts at issue / under review by AGO. (BTW - Marian reports that last week, AGO promised a factual statement in writing by Friday of this week.) I agree with you, Gerry, that the legislature, court, and CPCS, at a minimum, also need to be copied on this document as partners in resolving these issues. To that point, the letter (very strong and aggressive in tone in my opinion) could also benefit from some language about working with other agencies to resolve this matter justly asap once we have the information, which hopefully will be quickly. (Marian and I discussed yesterday how the defense bar may actually helpfully assist us in identifying cases where Dookhan was a possible witness.)
2. At times the letter seems to sweep the whole DPH Lab into the lens of suspicion, while at other times the letter seems focused on Dookhan. (There is also a mention in the 1st paragraph to two unnamed suspended employees. News to me.) For example, in the end of the 4th paragraph, beginning with the word "First," the sentence talks about DAOs generally litigating MTS evidence from THE LAB, in its entirety, and then concedes that doing so was a violation of defendants' rights. I don't think that we can or should concede this violation now - the word "may" seems more appropriate, especially because we don't actually know the facts yet. Also, more generally beyond this sentence, I think that the letter may need to be tailored so that the focus is consistent. Indeed, we don't know yet what we don't know, so the focus could properly be the whole Lab as opposed to just Dookhan.
3. The letter is signed only by the President and VP of MDAA. Not sure of past practice in these types of letters; do all the DAs sign? Probably not . . . Just thought I'd mention it.
4. There are some stylistic inconsistencies in the letter - small stuff, but I caught it. For example, the Lab is not referred to consistently throughout the letter. It is defined as a term in the 1st paragraph, but referred to later as the "Jamaica Plain Lab." I suspect that this is due to multiple authors. If it hasn't gone to press yet, this might be a way to just neaten up the document.

Hope this helps -

jlw

---

From: Leone, Gerard (DAA) [gerry.leone@massmail.state.ma.us]  
Sent: Wednesday, September 05, 2012 4:01 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR); Leone, Gerard (NOR)  
Subject: J.P. Lab - DAs Letter to Governor

CONFIDENTIAL, thanks

[cid:360100120@05092012-0A0D]Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com>>

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---

From: Maguire, Tara (DAA)  
Sent: Wednesday, September 05, 2012 3:59 PM  
To: DAA-DL-DA&EXEC.ASST  
Subject: Letter to Governor

To the DAs,

Attached please find a draft letter to the Governor for your review and approval. Many thanks to John Towle for his great editing assistance!

Once approved, I will add those copied at the bottom. Please confirm the letter should be copied to:  
EOPSS Secretary  
Attorney General  
CJAM  
Speaker  
Senate President

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 10:02:24 AM  
**From:** Leone, Gerard (NOR)  
**To:** Pastore, Jessica Venezia (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: Looks like list should be arriving soon, fyi  
**Sensitivity:** Normal

---

See language in the letter I just sent to you.

The article is beginning to put the onus on the DAs/me - and we are avoiding that for as long as we can b/c it's not our burden right now.

---

**From:** Pastore, Jessica Venezia (NOR)  
**Sent:** Wednesday, September 05, 2012 04:59 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** RE: Looks like list should be arriving soon, fyi

Ok, thanks, I'll clarify that with Laura.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, September 05, 2012 4:56 PM  
**To:** Pastore, Jessica Venezia (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: Looks like list should be arriving soon, fyi

we had the general lists this a.m. I shared them with MTR and JW. We are waiting on info about the investigation, and more particularized info on the cases and defendants.

---

**From:** Pastore, Jessica Venezia (NOR)  
**Sent:** Wednesday, September 05, 2012 04:53 PM  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** Looks like list should be arriving soon, fyi

#### **DA has list of potentially tainted drug cases**

**By Laura Krantz, The MetroWest Daily News, September 5, 2012**

<http://www.metrowestdailynews.com/news/x1526496037/DA-has-list-of-potentially-tainted-drug-cases>

FRAMINGHAM — Middlesex District Attorney Gerry Leone's office has been sent a list of drug cases that might be affected by improper behavior at the recently closed state crime lab in Jamaica Plain, state officials said today.

All Massachusetts District Attorneys were sent lists of affected cases Tuesday night, said Terrel Harris, spokesman for the Executive Office of Public Safety.

Meanwhile, a spokeswoman for Leone's office Wednesday said the DA does not yet have the list.

On Aug. 30, Gov. Deval Patrick ordered state police to shut down the Hinton State Laboratory Institute in Jamaica Plain after an investigation found a chemist improperly handled evidence and breached testing procedures.

State officials have estimated a chemist's misconduct could have tainted evidence in as many as 29,000 cases across the state, mainly in Suffolk and Norfolk Counties.

Middlesex County, which includes most MetroWest towns, used the lab for about six years before 2009, Leone's office said. Now they primarily use a lab in Sudbury.

Read more: <http://www.metrowestdailynews.com/news/x1526496037/DA-has-list-of-potentially-tainted-drug-cases#ixzz25dAhmZhA>



**Archived:** Tuesday, March 12, 2019 10:02:27 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Pastore, Jessica Venezia (NOR); Ryan, Marian (NOR)  
**Subject:** Re: Looks like list should be arriving soon, fyi  
**Sensitivity:** Normal

---

I want your thoughts on substance and/or omissions, but by the time we got back to them the letter will probably be gone!

---

**From:** Walker, Jodi (NOR)  
**Sent:** Wednesday, September 05, 2012 05:02 PM  
**To:** Leone, Gerard (NOR); Pastore, Jessica Venezia (NOR); Ryan, Marian (NOR)  
**Subject:** RE: Looks like list should be arriving soon, fyi

Agreed.  
I assume you'd like us to review the draft DA letter substantively, or is it finalized?

*Jodi Walker*  
*Special Counsel to District Attorney Gerry Leone*  
*Middlesex District Attorney's Office*  
*15 Commonwealth Avenue*  
*Woburn, MA 01801*  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, September 05, 2012 5:01 PM  
**To:** Pastore, Jessica Venezia (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: Looks like list should be arriving soon, fyi

See language in the letter I just sent to you.  
The article is beginning to put the onus on the DAs/me - and we are avoiding that for as long as we can b/c it's not our burden right now.

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**Cc:** Leone, Gerard (NOR)  
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**DA has list of potentially tainted drug cases**

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**Archived:** Tuesday, March 12, 2019 10:02:30 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'gerard.leone@state.ma.us'; Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** J.P. Crime Lab MSP Additional Documents  
**Sensitivity:** Normal

---

---

**From:** Early, Joseph (MID)  
**Sent:** Thursday, September 06, 2012 09:36 AM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Fwd:

I have had trouble sending this email today and I believe it may be due to its size. Please confirm that you have received it.  
Thank you,  
Joe

Sent from my iPhone

Begin forwarded message:

**From:** "Vallaro, Guy (POL)" <[Guy.Vallaro@MassMail.State.MA.US](mailto:Guy.Vallaro@MassMail.State.MA.US)>  
**Date:** September 3, 2012 10:03:18 PM EDT  
**To:** "Early, Joseph (MID)" <[Joseph.Early@MassMail.State.MA.US](mailto:Joseph.Early@MassMail.State.MA.US)>, "OKeefe, Michael (CPI)" <[Michael.OKeefe@MassMail.State.MA.US](mailto:Michael.OKeefe@MassMail.State.MA.US)>, "Benedetti, Anthony(CPC)" <[abenedetti@publiccounsel.net](mailto:abenedetti@publiccounsel.net)>  
**Cc:** "Wood, Curtis (EPS)" <[curtis.wood@MassMail.State.MA.US](mailto:curtis.wood@MassMail.State.MA.US)>, "Matthews, Francis (POL)" <[Francis.Matthews@MassMail.State.MA.US](mailto:Francis.Matthews@MassMail.State.MA.US)>, "Connolly, James, Major (POL)" <[James.Connolly@MassMail.State.MA.US](mailto:James.Connolly@MassMail.State.MA.US)>

Gentlemen,

The attached 3 files are taken from the former DPH Drug Lab database and represent A. Dookhan's casework between 2004-2012. This data may be used to determine which cases A. Dookhan had direct involvement as a drug chemist. Note: A. Dookhan was officially taken off lab duty in June of 2011.

(Data for analysis performed under A. Dookhan's maiden name A. Khan in 2003-2004 will be forthcoming)

During most of the period between 2004-2012 DPH utilized a two chemist system.

A first or primary chemist in which she took custody of the case, performed the preliminary screening tests and was responsible for the final report.

As a secondary chemist she would be responsible for the analysis by Gas Chromatograph Mass Spectrometer (GC/MS)

1. File JP ASD 2004 to 2008 second chemist. Sorted by Town
2. File JP ASD 2004-2008 first chemist. Sorted by Town

### 3. File JP ASD 2008-2012 first and second    Sorted by County

Each horizontal line in the excel sheet represents a sample and a different DPH case number as designated by the DPH Jamaica Plain Drug Lab. Typically, multiple samples are associated with each submitted police case. Therefore multiple lines may represent a single Police Department case.

The attached information includes Criminal Offender Record Information ("CORI") as defined in M.G.L. c. 6, s. 167 and is it being provided to you in the furtherance of official criminal justice duties and in the interest of public safety. Further dissemination of this information is strictly prohibited without the express written permission of the Executive Office of Public Safety and Security

We would appreciate if your respective offices could review these attached files as soon as possible on Tuesday September 4, 2012 and then plan to join us on a 12:00 pm (noon) teleconference call to discuss the contents of the files, and to provide us feedback and guidance in addressing the urgency of this situation.

Please do not disseminate this information until after we speak at 12 pm on Tuesday, The call-in number: 218.844.3377 Passcode: 25530781#

Thank you

Dr. Guy Vallaro, Chief Science Officer & Director Massachusetts State Police Crime Laboratory

**Archived:** Tuesday, March 12, 2019 10:02:33 AM

**From:** Leone, Gerard (NOR)

**To:** Marian.Ryan@state.ma.us; 'jodi.walker@state.ma.us'; Leone, Gerard (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); 'Michael Pelgro'

**Cc:** MacDonald, Diane (NOR); Lynch, Adrienne (NOR)

**Subject:** J.P. Lab - MDAO Plan/Approach

**Sensitivity:** Normal

**Attachments:**

[Dookhan Plan and Approach.doc](#);

---

Including our District and Superior Court leadership.  
We need a collective discussion by the To line people.



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)

**Sent:** Thursday, September 06, 2012 11:13 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)

**Subject:**

Attached is the preliminary plan/approach we have developed for working through the Dookhan lists-

Marian Ryan

General Counsel

Middlesex District Attorney's Office

15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

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### Plan re Dookhan Cases

- 1) Receive/assemble reliable Middlesex list
- 2) Divide by region
- 3) Provide to Team Captains for identification
- 4) Provide to Regional Supervisors for same
- 5) Run list through Superior Court Clerk's website
- 5) MIS for past ADA lists
- 6) Letter to CPCS and Middlesex Bar Advocates re known cases
- 7) Email from GTL to Chiefs re likely request for info
- 8) Inquiry to PD re reports/collection of reports
- 9) District Court clerk's Office
- 10) Identification of miscellaneous cases

**Archived:** Tuesday, March 12, 2019 10:02:37 AM  
**From:** Leone, Gerard (NOR)  
**To:** Early, Joseph (MID)  
**Cc:** Maguire, Tara (DAA); OKeefe, Michael (CPI)  
**Subject:** Re: J.P. Lab - DAs Draft Letter to Governor  
**Sensitivity:** Normal

---

That begs the question.

----- Original Message -----

From: Early, Joseph (MID)  
Sent: Thursday, September 06, 2012 07:46 AM  
To: Leone, Gerard (NOR)  
Cc: Maguire, Tara (DAA); OKeefe, Michael (CPI)  
Subject: Re: J.P. Lab - DAs Draft Letter to Governor

That knew of the letter before they called Myself and Mike.

Sent from my iPhone

On Sep 6, 2012, at 7:36 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> If we haven't sent the letter yet, why is the Globe reporting about the "drafting of it in today's Globe, with specific references to what we are saying?

>

>

> Gerard T. Leone, Jr. | Middlesex District Attorney

> 15 Commonwealth Ave., Woburn, MA 01801

> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

>

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>

>

> -----Original Message-----

> From: Leone, Gerard (NOR)

> Sent: Thursday, September 06, 2012 7:10 AM

> To: Maguire, Tara (DAA)

> Cc: 'jodi.walker@state.ma.us'; Marian.Ryan@state.ma.us; Leone, Gerard (NOR)

> Subject: J.P. Lab - DAs Draft Letter to Governor

>

>

> Tara:

> See a few observations of our staff below regarding the letter.

> Thanks

>

> 1. There was much discussion about who to send the letter to and who to cc. Right now, it is addressed only to the Governor. Perhaps this is because the letter is in draft form only?

> Last week, the AGO promised a factual statement in writing by Friday of this week - ?

> The legislature, court, and CPCS, at a minimum, also need to be copied on this document as partners in resolving these issues.

> To that point, the letter (very strong and aggressive in tone in some respects, could also benefit from some language about working with other agencies - The Defense Bar, the Courts and Legislature to resolve this matter justly asap once we have the information, which hopefully will be quickly. (How the defense bar may actually helpfully assist us in identifying cases where Dookhan was a possible witness.)

>

> 2. At times the letter seems to sweep the whole DPH Lab into the lens of suspicion, while at other times the letter seems focused on Dookhan. (There is also a mention in the 1st paragraph to two unnamed suspended employees - ?) For example, in the end of the 4th paragraph, beginning with the word "First," the sentence talks about DAOs generally litigating MTS evidence from THE LAB, in its entirety, and then concedes that doing so was a violation of defendants' rights. Whether we can or should concede this violation now - the word "may" seems more appropriate, especially because we don't actually know the facts yet. Also, more generally beyond this sentence, the letter may need to be tailored so that the focus is consistent. Indeed, we don't know yet what we don't know, so the focus could properly be the whole Lab as opposed to just Dookhan.

>

> 3. There are some stylistic inconsistencies in the letter - small stuff. For example, the Lab is not referred to consistently throughout the letter. It is defined as a term in the 1st paragraph, but referred to later as the "Jamaica Plain Lab." Likely due to multiple authors.

>

>

> Gerard T. Leone, Jr. | Middlesex District Attorney

> 15 Commonwealth Ave., Woburn, MA 01801

> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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>



**Archived:** Tuesday, March 12, 2019 10:02:40 AM  
**From:** Leone, Gerard (NOR)  
**To:** Blodgett, Jonathan (EAS)  
**Subject:** Re: J.P. Lab - DAs Draft Letter to Governor  
**Sensitivity:** Normal

---

Tell him to read the Guards and fill the hole.

----- Original Message -----

From: Blodgett, Jonathan (EAS)  
Sent: Thursday, September 06, 2012 08:17 AM  
To: Leone, Gerard (NOR)  
Subject: Re: J.P. Lab - DAs Draft Letter to Governor

Having breakfast with John Keenan.

Sent from my iPhone

On Sep 6, 2012, at 8:16, "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us> wrote:

> Given the exclusive interview given by one of our colleagues to the Globe over the weekend on these issues, despite our collective agreement to speak with one voice through our MDAA and Officers, I have some ideas about how that might have happened.

>

> ----- Original Message -----

> From: Early, Joseph (MID)  
> Sent: Thursday, September 06, 2012 08:04 AM  
> To: Leone, Gerard (NOR)  
> Cc: Maguire, Tara (DAA); OKeefe, Michael (CPI)  
> Subject: Re: J.P. Lab - DAs Draft Letter to Governor

>

> Gerry good question because when Mike and I spoke to them they already knew about the letter

>

> Sent from my iPhone

>

> On Sep 6, 2012, at 7:36 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> If we haven't sent the letter yet, why is the Globe reporting about the "drafting of it in today's Globe, with specific references to what we are saying?

>>

>>

>> Gerard T. Leone, Jr. | Middlesex District Attorney

>> 15 Commonwealth Ave., Woburn, MA 01801

>> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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>>

>>

>> -----Original Message-----

>> From: Leone, Gerard (NOR)

>> Sent: Thursday, September 06, 2012 7:10 AM

>> To: Maguire, Tara (DAA)

>> Cc: 'jodi.walker@state.ma.us'; Marian.Ryan@state.ma.us; Leone, Gerard (NOR)

>> Subject: J.P. Lab - DAs Draft Letter to Governor

>>

>>

>> Tara:

>> See a few observations of our staff below regarding the letter.

>> Thanks

>>

>> 1. There was much discussion about who to send the letter to and who to cc. Right now, it is addressed only to the Governor. Perhaps this is because the letter is in draft form only?

>> Last week, the AGO promised a factual statement in writing by Friday of this week - ?

>> The legislature, court, and CPCS, at a minimum, also need to be copied on this document as partners in resolving these issues.

>> To that point, the letter (very strong and aggressive in tone in some respects, could also benefit from some language about working with other agencies - The Defense Bar, the Courts and Legislature to resolve this matter justly asap once we have the information, which hopefully will be quickly. (How the defense bar may actually helpfully assist us in identifying cases where Dookhan was a possible witness.)

>>

>> 2. At times the letter seems to sweep the whole DPH Lab into the lens of suspicion, while at other times the letter seems focused on Dookhan. (There is also a mention in the 1st paragraph to two unnamed suspended employees - ?) For example, in the end of the 4th paragraph, beginning with the word "First," the sentence talks about DAOs generally litigating MTS evidence from THE LAB, in its entirety, and then concedes that doing so was a violation of defendants' rights. Whether we can or should concede this violation now - the word "may" seems more appropriate, especially because we don't actually know the facts yet. Also, more generally beyond this sentence, the letter may need to be tailored so that the focus is consistent. Indeed, we don't know yet what we don't know, so the focus could properly be the whole Lab as opposed to just Dookhan.

>>

>> 3. There are some stylistic inconsistencies in the letter - small stuff. For example, the Lab is not referred to consistently throughout the letter. It is defined as a term in the 1st paragraph, but referred to later as the "Jamaica Plain Lab." Likely due to multiple authors.

>>

>>

>> Gerard T. Leone, Jr. | Middlesex District Attorney

>> 15 Commonwealth Ave., Woburn, MA 01801

>> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

>>

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>>

**Archived:** Tuesday, March 12, 2019 10:02:42 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Bcc:** 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
**Subject:** Re: J.P. Lab - DAs Draft Letter to Governor  
**Sensitivity:** Normal

---

Thanks Tara.

I totally understand the position you find yourself in, in trying to knit the quilt of positions and thoughts in our group!

---

**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, September 06, 2012 08:34 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: J.P. Lab - DAs Draft Letter to Governor

DA Leone,

Thank you! I will correct the inconsistencies and try to change some wording to narrow the focus. I suggested people who should be copied in my email when I circulated the letter, but did not include CPCS. I'll add it!

I agree the one of the letter is very strong. In my first draft, I repeatedly used "DPH Lab" to distinguish as often as possible from the SPCL to protect the reputation of the latter. I am happy to make any and all changes, or give someone else a crack at redrafting it entirely. The problem for me right now is that the feedback I have received goes in two different directions. I am hopeful that at the end of the conference call, there will be a discussion about the letter. I very much appreciate your input!

Thanks,  
Tara

-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**To:** "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US>  
**Cc:** "jodi.walker@state.ma.us" <jodi.walker@state.ma.us>, "Marian.Ryan@state.ma.us" <Marian.Ryan@state.ma.us>, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**Sent:** Thu, Sep 6, 2012 11:10:19 GMT+00:00  
**Subject:** J.P. Lab - DAs Draft Letter to Governor

Tara:  
See a few observations of our staff below regarding the letter.  
Thanks

1. There was much discussion about who to send the letter to and who to cc. Right now, it is addressed only to the Governor. Perhaps this is because the letter is in draft form only?


Last week, the AGO promised a factual statement in writing by Friday of this week - ?

The legislature, court, and CPCS, at a minimum, also need to be copied on this document as partners in resolving these issues.

To that point, the letter (very strong and aggressive in tone in some respects, could also benefit from some language about working with other agencies - The Defense Bar, the Courts and Legislature to resolve this matter justly asap once we have the information, which hopefully will be quickly. (How the defense bar may actually helpfully assist us in identifying cases where Dookhan was a possible witness.)

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3. There are some stylistic inconsistencies in the letter - small stuff. For example, the Lab is not referred to consistently throughout the letter. It is defined as a term in the 1st paragraph, but referred to later as the "Jamaica Plain Lab." Likely due to multiple authors.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:02:46 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** RE: [REDACTED] Case/JP  
**Sensitivity:** Normal

---

No, as I mentioned to Marian, my pint was that I felt there should be a paragraph before paragraph 2. that explained a little bit what the situation/issue is with th eLab/drugs before we launch into teh rest of the motion.  
For the next one.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Walker, Jodi (NOR)  
**Sent:** Thursday, September 06, 2012 1:08 PM  
**To:** Ryan, Marian (NOR); Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** FW: [REDACTED] Case/JP

Marian (I know you had to leave for court already, which is why I'm emailing this to you) – For filing in Amanda's case today, attached please find the revised C/W Response re: JP Lab which includes GTL's edits.

Gerry – You had a comment with respect to paragraph 3 labeled "Q'ed substances." I struck that language, as I think your objection was rightly to the characterization of the evidence in this case as "questioned," especially because Dookhan is not the chemist in this case. This phrase was a hang-over from the case yesterday, in which Dookhan was in fact the chemist and that DC directly challenged her analysis in that separate case. If I guessed wrong on your suggested edit in paragraph 3, I'm happy to try to re-address the concern. Thank you for making the time to look at this already.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Thursday, September 06, 2012 12:04 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** [REDACTED] Case/JP

Attached is our proposed response for Amanda to file this afternoon in the case which we discussed earlier which is scheduled for trial on Monday.  
Should we receive the DA letter before 2, we would also have her attach that to the motion.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]

Fax:



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**Archived:** Tuesday, March 12, 2019 10:02:50 AM  
**From:** Leone, Gerard (NOR)  
**To:** MacDonald, Diane (NOR); Leone, Gerard (NOR)  
**Subject:** EXEC: J.P. Lab - MDAO Plan/Approach  
**Sensitivity:** Normal  
**Attachments:**  
[Dookhan Plan and Approach.doc](#);

---

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, September 06, 2012 11:17 AM  
**To:** Marian.Ryan@state.ma.us; 'jodi.walker@state.ma.us'; Leone, Gerard (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); 'Michael Pelgro'  
**Cc:** MacDonald, Diane (NOR); Lynch, Adrienne (NOR)  
**Subject:** J.P. Lab - MDAO Plan/Approach

[Including our District and Superior Court leadership.](#)  
[We need a collective discussion by the To line people.](#)



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Thursday, September 06, 2012 11:13 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:**

Attached is the preliminary plan/approach we have developed for working through the Dookhan lists-

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:03:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: (Past) Updated Notice of Discovery for DPH Chemist Annie Dookhan a/k/a Kahn  
**Sensitivity:** Normal

---

Save to use if necessary in subsequent filings. And add to a MDAO Dookhan timeline.  
Thanks.

---

**From:** Walker, Jodi (NOR)  
**Sent:** Thursday, September 06, 2012 05:49 PM  
**To:** Leone, Gerard (NOR); Ryan, Marian (NOR)  
**Subject:** FW: (Past) Updated Notice of Discovery for DPH Chemist Annie Dookhan a/k/a Kahn

FYI – MDAO past Dookhan notice, filed prior to 8/28/2012.

---

**From:** Kerr, James (NOR)  
**Sent:** Thursday, May 31, 2012 4:59 PM  
**To:** Lillios, Loretta (NOR); Verner, John (NOR); Fabbri, Michael (NOR); Dunigan, Elizabeth (NOR); Gentile, Joe (NOR); O'Reilly, Tom (NOR); Wechsler, Pamela (NOR); Folger, Katharine (NOR); McEvoy, John (NOR); Ellis, Sarah (NOR); Duran, Denise (NOR); Casey, Alice (NOR); Walker, Jodi (NOR); Lynch, Adrienne (NOR); Ryan, Marian (NOR); Fallon, Sarah (NOR); Lucci, Christina (NOR); Pastuszek, Margaret (NOR); Rowan, Amanda (NOR); Spiros, Carrie (NOR); Williams, Megan (NOR); Sullivan, Ryan (NOR); Mahoney, Ceara (NOR); Sullivan, Felicia (NOR); Estes, Craig (NOR)  
**Cc:** Sahakian, James (NOR); Silvia, Casey (NOR); Balliro, Fawn (NOR)  
**Subject:** Updated Notice of Discovery for DPH Chemist Annie Dookhan a/k/a Kahn

All:

Attached, please find an updated notice of discovery relating to state chemist Annie Dookhan. Please distribute this template to your teams.

In the initial notice we referenced the breach as involving the laboratory's "chain of custody" protocol. After discussion with the DPH (AG's Office) and review of the initial letter from the DPH to the Norfolk DAO, this wording has been changed to: breach in "recording" protocol. This change accords with what occurred; namely: that the chemist did not record in a log book that she had taken receipt of the samples from the laboratory evidence officer.

Do not hesitate to contact me with any questions/comments/concerns.

Thank you,

**James D. Kerr**  
Assistant District Attorney  
Appeals & Training Bureau  
Middlesex County District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:03:04 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.  
**Sensitivity:** Normal

---

Yup

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, September 06, 2012 09:24 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: RE: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

Another good question - may we please discuss in person? Marian and I discussed very preliminarily today.

---

From: Leone, Gerard (NOR)  
Sent: Thursday, September 06, 2012 8:52 PM  
To: Walker, Jodi (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: Re: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

What do you make of the AGO et al. Responses now in hindsight? Additional erroneous DPH/Govt. Responses as alluded to in our letter to the Gov.?

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, September 06, 2012 05:42 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

Gerry - Another Dookhan case on tomorrow (Friday) in Cambridge D.Ct., first session, not motion session: [REDACTED]. Charges are distribution X2 and SZ (BD previously denied.) Defendant has made bail, and is on the street. Dookhan is the primary chemist in this case.

By way of background, the Dookhan issue has been previously hotly contested in this case before Judge Singleton. The C/W has previously turned over our standard Dookhan Notice. (Attached in the PDF.) But additionally, in this case, Judge Singleton ordered MDAO to inquire further of the Hinton Lab in late July 2012 as to whether there was any additional breaches at the lab for a 3 month period (10/1/09 to 1/31/2010, which I believe is the period of time surrounding when the drugs in this case were tested.) We did make that inquiry indirectly, after our motion to reconsider was denied, fearing that Judge Singleton would find the C/W in contempt, and consulting with the AGO and MSP LC, of the director of the Hinton lab, via an inquiry through AAG Natalie Monroe. Through the AAG, the lab director told us "no" additional breaches during that time, and we filed a document to that affect. (Also attached in the PDF.) (As a separate issue, query whether we need to advise investigators of this statement? Presumably AAG advised AAG investigating? I also had communications with MSP LC on this second notice in late July 2012 before we filed it to apprise him. We consulted with AGO first, as we did not know of the switch over to MSP on 7/1/12. MSP LC aware and emailed notice prior to our filing.)

As to tomorrow, the more time sensitive issue, we are recommending that we file a version of the document

that you reviewed today, potentially attaching the Letter to the Governor (?) (assuming that is now public.) I have re-crafted the CW's reply in the form of Supplemental Discovery (as there is no DC motion in this case) and tried to address your suggested edit that I did not get right today. My apologies for that.

I'm available by email / phone if you want to talk.

I've spoken to ADA Chris Minue, who is handling this case, and does not anticipate any issue tomorrow.

Thanks,  
jlw

**Archived:** Tuesday, March 12, 2019 10:03:06 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** Re: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.  
**Sensitivity:** Normal

---

That covers the spectrum of possibilities!

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Thursday, September 06, 2012 11:31 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

Could be truth/lie/mistake

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Thursday, September 06, 2012 08:52 PM  
To: Walker, Jodi (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: Re: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

What do you make of the AGO et al. Responses now in hindsight? Additional erroneous DPH/Govt. Responses as alluded to in our letter to the Gov.?

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, September 06, 2012 05:42 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

Gerry - Another Dookhan case on tomorrow (Friday) in Cambridge D.Ct., first session, not motion session: [REDACTED]. Charges are distribution X2 and SZ (BD previously denied.) Defendant has made bail, and is on the street. Dookhan is the primary chemist in this case.

By way of background, the Dookhan issue has been previously hotly contested in this case before Judge Singleton. The C/W has previously turned over our standard Dookhan Notice. (Attached in the PDF.) But additionally, in this case, Judge Singleton ordered MDAO to inquire further of the Hinton Lab in late July 2012 as to whether there was any additional breaches at the lab for a 3 month period (10/1/09 to 1/31/2010, which I believe is the period of time surrounding when the drugs in this case were tested.) We did make that inquiry indirectly, after our motion to reconsider was denied, fearing that Judge Singleton would find the C/W in contempt, and consulting with the AGO and MSP LC, of the director of the Hinton lab, via an inquiry through AAG Natalie Monroe. Through the AAG, the lab director told us "no" additional breaches during that time, and we filed a document to that affect. (Also attached in the PDF.) (As a separate issue, query whether we need to advise investigators of this statement? Presumably AAG advised AAG investigating? I also had communications with MSP LC on this second notice in late July 2012 before we filed it to apprise him. We consulted with AGO first, as we did not know of the switch over to MSP on 7/1/12. MSP LC aware and emailed notice prior to our filing.)

As to tomorrow, the more time sensitive issue, we are recommending that we file a version of the document that you reviewed today, potentially attaching the Letter to the Governor (?) (assuming that is now public.) I

have re-crafted the CW's reply in the form of Supplemental Discovery (as there is no DC motion in this case) and tried to address your suggested edit that I did not get right today. My apologies for that.

I'm available by email / phone if you want to talk.

I've spoken to ADA Chris Minue, who is handling this case, and does not anticipate any issue tomorrow.

Thanks,  
jlw

**Archived:** Tuesday, March 12, 2019 10:03:08 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** 'jodi.walker@state.ma.us'  
**Subject:** Re: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.  
**Sensitivity:** Normal

---

Yes, do the filing, attaching any relevant materials, including the DAs letter to the Governor.  
Given the hx here, do we have enough to consider ending this particular case?

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Thursday, September 06, 2012 05:44 PM  
To: Walker, Jodi (NOR); Leone, Gerard (NOR)  
Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Re: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

Thanks, Jodi-

Same D attorney will also be in Cambridge on Tuesday and may want to go forward on a non-Dookhan, JP lab case-that may also be addressed tomorrow-

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, September 06, 2012 05:42 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Dookhan Case; Tomorrow 9/6; [REDACTED] - Camb. D.Ct.

Gerry - Another Dookhan case on tomorrow (Friday) in Cambridge D.Ct., first session, not motion session: [REDACTED]. Charges are distribution X2 and SZ (BD previously denied.) Defendant has made bail, and is on the street. Dookhan is the primary chemist in this case.

By way of background, the Dookhan issue has been previously hotly contested in this case before Judge Singleton. The C/W has previously turned over our standard Dookhan Notice. (Attached in the PDF.) But additionally, in this case, Judge Singleton ordered MDAO to inquire further of the Hinton Lab in late July 2012 as to whether there was any additional breaches at the lab for a 3 month period (10/1/09 to 1/31/2010, which I believe is the period of time surrounding when the drugs in this case were tested.) We did make that inquiry indirectly, after our motion to reconsider was denied, fearing that Judge Singleton would find the C/W in contempt, and consulting with the AGO and MSP LC, of the director of the Hinton lab, via an inquiry through AAG Natalie Monroe. Through the AAG, the lab director told us "no" additional breaches during that time, and we filed a document to that affect. (Also attached in the PDF.) (As a separate issue, query whether we need to advise investigators of this statement? Presumably AAG advised AAG investigating? I also had communications with MSP LC on this second notice in late July 2012 before we filed it to apprise him. We consulted with AGO first, as we did not know of the switch over to MSP on 7/1/12. MSP LC aware and emailed notice prior to our filing.)

As to tomorrow, the more time sensitive issue, we are recommending that we file a version of the document that you reviewed today, potentially attaching the Letter to the Governor (?) (assuming that is now public.) I have re-crafted the CW's reply in the form of Supplemental Discovery (as there is no DC motion in this case) and tried to address your suggested edit that I did not get right today. My apologies for that.

I'm available by email / phone if you want to talk.

I've spoken to ADA Chris Minue, who is handling this case, and does not anticipate any issue tomorrow.

Thanks,  
jlw

**Archived:** Tuesday, March 12, 2019 10:03:10 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** Re: JP Lab: Meeting with AG re DPH Lab  
**Sensitivity:** Normal

---

Agreed. She is apparently [REDACTED]

Buzz on campus about me? Or the BU issues?  
Will do. Any suggestions on my attire?

---

**From:** Ryan, Marian (NOR)  
**Sent:** Sunday, September 09, 2012 09:48 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab: Meeting with AG re DPH Lab

I know that this isn't our issue, and not that it is deserved, just an observation, but I have that nagging concern [REDACTED]  
[REDACTED]---especially the more it becomes personal to Annie. Plenty of tme for the investigation and CJS to deal w  
her. What she did is bad enough and has had enough bad consequences--but doing this kid of crazy stuff especially as it  
seems w/o the usual motives, comes from an odd MH place anyway-  
Hope tonight goes well-buzz about it on campus-check out how the players are dressed!

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, September 09, 2012 08:28 AM  
**To:** Morrissey, Michael (NFK)  
**Subject:** Re: JP Lab: Meeting with AG re DPH Lab

I would like a copy, thank you Mike.  
Gerry

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Sunday, September 09, 2012 08:26 AM  
**To:** Blodgett, Jonathan (EAS); Leone, Gerard (NOR)  
**Cc:** Cruz, Timothy (PLY); Early, Joseph (MID); Conley, Daniel (SUF); Maguire, Tara (DAA); OKeefe, Michael (CPI);  
'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>; 'mmastroianni@state.ma.us' <mmastroianni@state.ma.us>;  
'David.f.capeless@state.ma.us' <David.f.capeless@state.ma.us>; Sutter, Samuel (BRI); 'David.E.Sullivan2@state.ma.us'  
<David.E.Sullivan2@state.ma.us>  
**Subject:** Re: JP Lab: Meeting with AG re DPH Lab

CPCS is distributing copies of DOOKHAN's testimony on a case on appeal. She says that she is responsible for quality control and quality assurance in the Jp lab. She testified her job role and responsibilities included making sure the people followed protocols and the procedures including checking equipment. These responsibilities also included overseeing the equipment including the scales. If you want a copy of the testimony let me know. This helps explain C p c s position that all drugs at the lab are contaminated.

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>

**To:** "Blodgett, Jonathan (EAS)" <Jonathan.Blodgett@MassMail.State.MA.US>  
**Cc:** "Early, Joseph (MID)" <Joseph.Early@MassMail.State.MA.US>, "OKeefe, Michael (CPI)" <Michael.OKeefe@MassMail.State.MA.US>, "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US>, "Conley, Daniel (SUF)" <Daniel.Conley@MassMail.State.MA.US>, "Morrissey, Michael (NFK)" <Michael.W.Morrissey@MassMail.State.MA.US>, "Cruz, Timothy (PLY)" <Timothy.J.Cruz@MassMail.State.MA.US>, "gerard.leone@state.ma.us" <gerard.leone@state.ma.us>, "David.f.capeless@state.ma.us" <David.f.capeless@state.ma.us>, "mmastroianni@state.ma.us" <mmastroianni@state.ma.us>, "David.E.Sullivan2@state.ma.us" <David.E.Sullivan2@state.ma.us>, "Sutter, Samuel (BRI)" <Samuel.Sutter@MassMail.State.MA.US>  
**Sent:** Sat, Sep 8, 2012 21:24:10 EDT  
**Subject:** Re: JP Lab: Meeting with AG re DPH Lab

Agreed Jon, even if it gets pushed down or elsewhere by the electeds, this is about ultimate accountability and responsibility, and this is the last straw with the DAs and their offices bearing the brunt of insufficient management and leadership in MA state Government.

---

**From:** Blodgett, Jonathan (EAS)  
**Sent:** Saturday, September 08, 2012 09:20 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Early, Joseph (MID); OKeefe, Michael (CPI); Maguire, Tara (DAA); Conley, Daniel (SUF); Morrissey, Michael (NFK); Cruz, Timothy (PLY); gerard.leone@state.ma.us <gerard.leone@state.ma.us>; David.f.capeless@state.ma.us <David.f.capeless@state.ma.us>; mmastroianni@state.ma.us <mmastroianni@state.ma.us>; David.E.Sullivan2@state.ma.us <David.E.Sullivan2@state.ma.us>; Sutter, Samuel (BRI)  
**Subject:** Re: JP Lab: Meeting with AG re DPH Lab

I agree Gerry; that is why it is critical that we keep the dialogue between the Governor & us as DAs. It should be electeds to electeds.

Sent from my iPhone

On Sep 8, 2012, at 21:18, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Agreed Joe. As Dan has raised and Mike and others have echoed, we need make specific documented requests for information.

To the AGO, EOPSS, MSP, DPH and Governor, and I wouldn't rely upon a bounce down of info request making it from the Gov through the Secretariats.

---

**From:** Early, Joseph (MID)  
**Sent:** Saturday, September 08, 2012 06:24 PM  
**To:** OKeefe, Michael (CPI)  
**Cc:** Blodgett, Jonathan (EAS); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Meeting with AG re DPH Lab

I agree

Sent from my iPhone

On Sep 7, 2012, at 6:25 PM, "OKeefe, Michael (CPI)" <[Michael.OKeefe@MassMail.State.MA.US](mailto:Michael.OKeefe@MassMail.State.MA.US)> wrote:

I am available . But I think we have to be firm about our need for written documentation as requested in our letter.

Sent from my iPhone



On Sep 7, 2012, at 6:19 PM, "Blodgett, Jonathan (EAS)"  
<[Jonathan.Blodgett@MassMail.State.MA.US](mailto:Jonathan.Blodgett@MassMail.State.MA.US)> wrote:

I am available.

Sent from my iPhone

On Sep 7, 2012, at 17:23, "Maguire, Tara (DAA)"  
<[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

To the DAs,

The Attorney General has requested a meeting to discuss the DPH investigation. Ed Bedrosian reports that they have received their copy of the Governor's letter, and they do not want to be a "roadblock" in getting information to you.

She has asked to meet this **Wednesday, September 12<sup>th</sup> at 3 PM in her office.**

Please let me know if you are available to attend so that I may confirm the meeting.

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 10:03:48 AM

**From:** Leone, Gerard (NOR)

**To:** Early, Joseph (MID); Maguire, Tara (DAA)

**Cc:** DAA-DL-DA&EXEC.ASST

**Bcc:** Ryan, Marian (NOR); Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR); 'jodi.walker@state.ma.us'

**Subject:** J.P. Lab, Re: Proposed Letter to Defense Bar

**Sensitivity:** Normal

---

Yes.

However, it highlights the need for us to be provided with specific documented information regarding the Lab and issues/failures from the AGO (as appropriate), EOPSS, MSP, and DPH. Although we want to work with the Court and Defense Bar, we are starting to go down a road where the defense bar has the same info, and in some instances more info than we do about Dookhan and the Lab, coupled with these mutual DAO/Defense Bar info disclosures by the Executive Admin.

We need to be provided what we need to make decisions and set approaches and strategy, while justifying through documented reasoning to the public and our communities why defendants cases are being thrown out and/or people are being released or having their convictions overturned.

----- Original Message -----

From: Early, Joseph (MID)

Sent: Tuesday, September 11, 2012 07:36 AM

To: Maguire, Tara (DAA)

Cc: DAA-DL-DA&EXEC.ASST

Subject: Re: Proposed Letter to Defense

Is everyone okay with this letter? I am good with it. Please respond

Sent from my iPhone

On Sep 10, 2012, at 2:30 PM, "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US> wrote:

> To the DAs,

>

> Attached please find a letter to private defense counsel that EOPSS would like to send out today. They are asking for any DA comments or concerns.

>

> Tara

>

> From: Wood, Curtis (EPS)

> Sent: Monday, September 10, 2012 1:16 PM

> To: Early, Joseph (MID); Maguire, Tara (DAA)

> Cc: Moran, Matthew (EPS); Gabriel, Jane (EPS)

> Subject: Proposed Letter to Defense

> Importance: High

>


> DA Early and Ms. Maguire,

>

> We are proposing to send this correspondence out later today (not the data). Do you have any concerns/comments on this? Please let us know.

>

>

>  
> Thanks  
>  
> Curt  
>  
> Curtis M. Wood  
> Undersecretary & Secretariat Chief Information Officer  
> Forensic Science and Technology  
> Massachusetts Executive Office of Public Safety and Security  
>  
>   
> curtis.wood@state.ma.us  
>  
>  
> <Private Bar Outreach Ltr.docx>  
> <Private Bar Outreach Form\_cmw\_9 10 12.docx>

**Archived:** Tuesday, March 12, 2019 10:03:52 AM  
**From:** Ryan, Marian (NOR)  
**Sent:** Sun, 9 Sep 2012 23:11:39  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us'  
**Subject:** Re: J.P. Lab transcript  
**Sensitivity:** Normal

---

Yes-  
The question will be how much of the lab can be salvaged-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, September 09, 2012 10:36 PM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: J.P. Lab transcript

True  
The vast majority of the Dookhan drug only charges are likely gonna need be NP'ed.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Sunday, September 09, 2012 10:35 PM  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: J.P. Lab transcript

That would be like shoveling the tide-and there likely are worse transcripts out there-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, September 09, 2012 10:29 PM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: J.P. Lab transcript

Good point.  
Puts the DAOs in a weird position of contradicting her positions and assertions, but doubtful we can overcome the damage.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Sunday, September 09, 2012 10:27 PM  
**To:** Leone, Gerard (NOR); 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>; 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: J.P. Lab transcript

This is a problem-  
If I were her attorney I would be consulting the DSM-IV for disorders that include grandiose thought processes-in hindsight, clear how she saw herself. vs. reality---

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, September 09, 2012 10:06 PM  
**To:** 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>; 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ryan, Marian (NOR)  
**Subject:** J.P. Lab transcript

CPCS matter where Dookhan holds herself out as being the significant person in the Lab for quality control and matters that go to the heart of Lab operations.

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Sunday, September 09, 2012 10:02 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Fw: transcript

Here is a copy of the transcript. The case is on appeal.

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** Peggie Sweeney <[REDACTED]>  
**To:** "Morrissey, Michael (NFK)" <Michael.W.Morrissey@MassMail.State.MA.US>  
**Sent:** Mon, Sep 10, 2012 01:19:04 GMT+00:00  
**Subject:** transcript

**Archived:** Tuesday, March 12, 2019 10:04:07 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** Re: JP Lab-not Dookhan-on @ 2 Today  
**Sensitivity:** Normal

---

Thanks.  
Non Dookhan cases are in a separate category.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Monday, September 10, 2012 11:24 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** JP Lab-not Dookhan-on @ 2 Today

FYI-this is Amanda's case that was continued till today @ 2 from Friday to address a trial continuance and bail. D attorney has now supplemented filings w the attached transcript-this is the same one which we received over the weekend.  
This a JP lab but not Dookhan case.  
We intend to file the latest version of the Dookhan filing which you reviewed and to oppose bail reduction based on D's long default history and Annie not a witness.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

---

**From:** Rowan, Amanda (NOR)  
**Sent:** Monday, September 10, 2012 10:36 AM  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** FW: [REDACTED]

---

**From:** Vy H. Truong [mailto:[REDACTED]]  
**Sent:** Monday, September 10, 2012 9:55 AM  
**To:** Rowan, Amanda (NOR)  
**Subject:** RE: [REDACTED]

Amanda:

Attached please find the transcript of Annie Dookhan's testimony in Suffolk Superior Court on 8/17/10 in [REDACTED].

Annie Dookhan testified that she was one of 4 confirmatory chemists at the lab AND testified that she runs the quality control and quality assurance at the lab!!!

Vy

---

**Attorney Vy H. Truong**  
**Law Offices of Vy H. Truong, P.C.**

[REDACTED]

The information contained in this e-mail may be confidential and may be subject to the attorney-client privilege and/or the work product doctrine. It may also be private and/or confidential information protected under state and federal laws. As such, it is solely for the addressee. Access to this e-mail by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. Please notify the sender if you have inadvertently received this e-mail prior to deleting it.

---

**From:** Rowan, Amanda (DAA) [mailto:amanda.rowan@state.ma.us]  
**Sent:** Monday, September 10, 2012 9:52 AM  
**To:** 'Vy H. Truong'  
**Subject:** FW: [REDACTED]

FYI

---

**From:** Mark J Toomey [mailto:mark.toomey@jud.state.ma.us]  
**Sent:** Monday, September 10, 2012 9:50 AM  
**To:** Rowan, Amanda (NOR)  
**Subject:** RE: [REDACTED]

OK the defendant is here  
See you at 2:00

*Mark J. Toomey*

*Assistant Clerk*

*Middlesex Superior Court*

*Courtroom 530*

*200 Trade Center*

*Woburn MA. 01801*

[REDACTED]

---

**From:** "Rowan, Amanda (DAA)" <amanda.rowan@state.ma.us>  
**Sent:** Mon, 9/10/2012 9:43am

**To:** 'Mark J Toomey' <mark.toomey@jud.state.ma.us>

**Subject:** RE: [REDACTED]

I am ready.

I think there are some issues regarding the drugs being tested in JP that D/C wants to raise today at 2, but I am ready.

See you at 2!

---

**From:** Mark J Toomey [mailto:mark.toomey@jud.state.ma.us]

**Sent:** Monday, September 10, 2012 9:36 AM

**To:** Rowan, Amanda (NOR)

**Subject:** [REDACTED]

Amanda

Are you ready for trial in [REDACTED]??

It looks like the case on trial will end Wednesday.

We should reach [REDACTED] on Thursday.

I'll have a better estimate after lunch today.

*Mark J. Toomey*

*Assistant Clerk*

*Middlesex Superior Court*

*Courtroom 530*

*200 Trade Center*

*Woburn MA. 01801*

[REDACTED]



**Archived:** Tuesday, March 12, 2019 10:04:10 AM

**From:** Leone, Gerard (NOR)

**To:** 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Subject:** Fw: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

**Sensitivity:** Normal

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**From:** Maguire, Tara (DAA)

**Sent:** Tuesday, September 11, 2012 09:02 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** FW: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

---

**From:** State House News Service [mailto:news@statehousenews.com]

**Sent:** Tuesday, September 11, 2012 6:50 PM

**To:** news@statehousenews.com

**Subject:** GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

By Andy Metzger

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 11, 2012.....Defense attorneys will need to team up with prosecutors as well as probation, parole and corrections officials to identify those whose convictions might be jeopardized by drug evidence under review in an unfolding crime lab crisis, Gov. Deval Patrick wrote in a letter this week to frustrated district attorneys.

Patrick's letter, sent Tuesday, was in response to a letter the Massachusetts District Attorneys Association wrote seeking more information on cases that could be jeopardized by "breaches of protocol" in a chemist's work analyzing and weighing drugs. State officials have provided prosecutors with a list of 60,000 drug samples handled by the chemist dating back to 2003 but tying those samples to actual cases has proved trying.

"[T]he District Attorneys have not been provided with any real information to guide us toward our overriding goal of ensuring that justice is done," Worcester District Attorney Joseph Early and Cape and Islands District Attorney Michael O'Keefe wrote in a Sept. 6 letter. "In fact, due to the barebones nature of the enormous list we were given, we still do not know exactly how many actual cases these tens of thousands of samples correlate to or which of these samples connects to cases where someone is presently incarcerated and whose liberty literally hangs in the balance."

In response, Patrick wrote that state authorities would need to work with the DA's to determine "which samples pertain to defendants currently incarcerated," and said the state would help prosecutors coordinate with others to match potentially jeopardized samples with defendants.

"We will assist in these efforts by creating a central office with a dedicated team for that task," Patrick wrote. The governor also said he had asked for an investigation by Secretary of Health and Human Services JudyAnn Bigby into the problems and the "delay" in reporting those problems to him and to the state's district attorneys.

The state's criminal justice system was rocked Aug. 30 by the news that a chemist, identified by prosecutors as Annie Dookhan, had mishandled evidence from 2003 into 2012, a period in which she was involved in 34,000 cases.

The William A. Hinton Laboratory, located next to the Arnold Arboretum, was run by the Department of Public Health until this summer when it was transferred to the State Police to streamline testing for criminal cases.

"In preparation for the transfer of the lab, we started reviewing the operation of the lab," said State Police spokesman David Procopio. That led to an investigation into a chemist, that now involves "looking into potential criminality" by her, Procopio told the News Service. The state shuttered the lab on Aug. 30.

According to the district attorneys, a past "violation of protocol" was reported several months after it occurred by DPH. "We cannot have a repeat of the episode in February 2012 where the Department of Public Health notified the Norfolk District Attorney [William Morrissey] by letter of a violation of protocol that had occurred in June of 2011," the letter said.

O'Keefe told the News Service that he had no idea there were such massive problems with the lab until the night of Aug. 29 when the problem was briefly laid out ahead of a midday emergency meeting the next day with district attorneys and state officials.

"That's when we learned anecdotally the scope of what was known about the issue at that time," O'Keefe said.

According to the DA's letter, after the June 2011 violation, DPH wrote that "the integrity of the tests was not jeopardized as a result of the procedural violation."

"This information, we now come to know, was false," the letter states. "That the District Attorneys litigated motions to suppress evidence tested at the DPH Laboratory based upon information provided by DPH that is now known to be false was not only a potential violation of the rights of defendants but an affront to the integrity of the State's prosecutors."

Patrick said that a backlog of 13,000 samples from the DPH lab referred to in the DAs' letter have not been put on hold, and Secretary of Public Safety and Security Mary Beth Heffernan "has made arrangements to process these samples. The State Police Lab in Sudbury will handle future testing."

O'Keefe said that the DPH lab in Jamaica Plain was used by prosecutors throughout eastern Massachusetts, and his office's own attempts to detail the extent that jeopardized evidence was used in prosecutions has been time consuming, with one attorney spending all day every day on the project. In the letter, prosecutors also raised concerns about the cost of unraveling the problem.

"I am committed to working with you and the Legislature to obtain the necessary resources," Patrick wrote, advising the state prosecutors to "agree on a course of corrective action" and then "seek whatever supplemental funding may be needed."

Patrick on Monday said the crime lab problems were "very serious." Asked about the costs of unraveling the problems and addressing them, Patrick said resources would "come from wherever it needs to come from . . . The important thing is to get it done and to get it done right."

While the task is large, the prosecutors wrote that they are determined to create a full catalogue of the actions that allowed for such apparently extensive breaches of protocol.

"The injustices that have occurred cannot be corrected without a complete report detailing the precise nature and extent of the violations of protocol, procedure and supervision at the DPH laboratory," the prosecutors wrote.

- END -

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**Archived:** Tuesday, March 12, 2019 10:04:20 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** Re: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS  
**Sensitivity:** Normal

---

Bad choice and prio

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 11, 2012 09:39 PM  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

Also plan to spend lots of money-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, September 11, 2012 09:36 PM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

Typical Govt response. Trying to show leadership after a failure and lack of responsibility.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 11, 2012 09:30 PM  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

Don't know but Governor is going to create it "with a dedicated staff"-we're pretty good at this stuff already-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, September 11, 2012 09:29 PM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

What is it?

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 11, 2012 09:16 PM  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

This "central office" should be a great resource-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, September 11, 2012 09:10 PM  
**To:** 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ryan, Marian (NOR)  
**Subject:** Fw: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

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**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, September 11, 2012 09:02 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

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**From:** State House News Service [mailto:news@statehousenews.com]  
**Sent:** Tuesday, September 11, 2012 6:50 PM  
**To:** news@statehousenews.com  
**Subject:** GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

GUV URGES COOPERATION AS PROSECUTORS SEEK INFO ON CRIME LAB CRISIS

By Andy Metzger  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 11, 2012.....Defense attorneys will need to team up with prosecutors as well as probation, parole and corrections officials to identify those whose convictions might be jeopardized by drug evidence under review in an unfolding crime lab crisis, Gov. Deval Patrick wrote in a letter this week to frustrated district attorneys.

Patrick's letter, sent Tuesday, was in response to a letter the Massachusetts District Attorneys Association wrote seeking more information on cases that could be jeopardized by "breaches of protocol" in a chemist's work analyzing and weighing drugs. State officials have provided prosecutors with a list of 60,000 drug samples handled by the chemist dating back to 2003 but tying those samples to actual cases has proved trying.

"[T]he District Attorneys have not been provided with any real information to guide us toward our overriding goal of ensuring that justice is done," Worcester District Attorney Joseph Early and Cape and Islands District Attorney Michael O'Keefe wrote in a Sept. 6 letter. "In fact, due to the barebones nature of the enormous list we were given, we still do not know exactly how many actual cases these tens of thousands of samples correlate to or which of these samples connects to cases where someone is presently incarcerated and whose liberty literally hangs in the balance."

In response, Patrick wrote that state authorities would need to work with the DA's to determine "which samples pertain to defendants currently incarcerated," and said the state would help prosecutors coordinate with others to match potentially jeopardized samples with defendants.

"We will assist in these efforts by creating a central office with a dedicated team for that task," Patrick wrote. The governor also said he had asked for an investigation by Secretary of Health and Human Services JudyAnn Bigby into the problems and the "delay" in reporting those problems to him and to the state's district attorneys.

The state's criminal justice system was rocked Aug. 30 by the news that a chemist, identified by prosecutors as Annie Dookhan, had mishandled evidence from 2003 into 2012, a period in which she was involved in 34,000 cases.

The William A. Hinton Laboratory, located next to the Arnold Arboretum, was run by the Department of Public Health until this summer when it was transferred to the State Police to streamline testing for criminal cases.

"In preparation for the transfer of the lab, we started reviewing the operation of the lab," said State Police spokesman David Procopio. That led to an investigation into a chemist, that now involves "looking into potential criminality" by her, Procopio told the News Service. The state shuttered the lab on Aug. 30.

According to the district attorneys, a past "violation of protocol" was reported several months after it occurred by DPH. "We cannot have a repeat of the episode in February 2012 where the Department of Public Health notified the Norfolk District Attorney [William Morrissey] by letter of a violation of protocol that had occurred in June of 2011," the letter said.

O'Keefe told the News Service that he had no idea there were such massive problems with the lab until the night of Aug. 29 when the problem was briefly laid out ahead of a midday emergency meeting the next day with district attorneys and state officials.

"That's when we learned anecdotally the scope of what was known about the issue at that time," O'Keefe said.

According to the DA's letter, after the June 2011 violation, DPH wrote that "the integrity of the tests was not jeopardized as a result of the procedural violation."

"This information, we now come to know, was false," the letter states. "That the District Attorneys litigated motions to suppress evidence tested at the DPH Laboratory based upon information provided by DPH that is now known to be false was not only a potential violation of the rights of defendants but an affront to the integrity of the State's prosecutors."

Patrick said that a backlog of 13,000 samples from the DPH lab referred to in the DAs' letter have not been put on hold, and Secretary of Public Safety and Security Mary Beth Heffernan "has made arrangements to process these samples. The State Police Lab in Sudbury will handle future testing."

O'Keefe said that the DPH lab in Jamaica Plain was used by prosecutors throughout eastern Massachusetts, and his office's own attempts to detail the extent that jeopardized evidence was used in prosecutions has been time consuming, with one attorney spending all day every day on the project. In the letter, prosecutors also raised concerns about the cost of unraveling the problem.

"I am committed to working with you and the Legislature to obtain the necessary resources," Patrick wrote, advising the state prosecutors to "agree on a course of corrective action" and then "seek whatever supplemental funding may be needed."

Patrick on Monday said the crime lab problems were "very serious." Asked about the costs of unraveling the problems and addressing them, Patrick said resources would "come from wherever it needs to come from . . . The important thing is to get it done and to get it done right."

While the task is large, the prosecutors wrote that they are determined to create a full catalogue of the actions that allowed for such apparently extensive breaches of protocol.

"The injustices that have occurred cannot be corrected without a complete report detailing the precise nature and extent of the violations of protocol, procedure and supervision at the DPH laboratory," the prosecutors wrote.

- END -

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**Archived:** Tuesday, March 12, 2019 10:04:28 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'Jerry\_McDermott@ScottBrown.Senate.gov'  
**Subject:** Re: Hinton Street Lab Update  
**Sensitivity:** Normal

---

This is a nightmare for we DAs who are on the receiving end of a lack of leadership, supervision, management and oversight.

---

**From:** McDermott, Jerry (Scott Brown) [mailto:Jerry\_McDermott@scottbrown.senate.gov]  
**Sent:** Wednesday, September 12, 2012 03:48 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: Hinton Street Lab Update

Strange?

**Jerry McDermott**  
*State Director*  
United States Senator Scott P. Brown

[REDACTED] (office)  
[REDACTED] (cell)

[Jerry\\_mcdermott@scottbrown.senate.gov](mailto:Jerry_mcdermott@scottbrown.senate.gov)

2400 JFK Federal Building

Boston, MA 02203



---

**From:** MASSGOV-DC [mailto:MASSGOV-DC@sso.org]  
**Sent:** Wednesday, September 12, 2012 3:03 PM  
**To:** McDermott, Jerry (Scott Brown)  
**Subject:** Hinton Street Lab Update

Hello Mr. McDermott,

I'm writing you from the Governor's DC Office. Caroline Powers asked me to follow up regarding the Hinton Street Lab Update tomorrow (her original email is copied below). If you're able to respond about attendance, I would appreciate it! You can email me here or call at [REDACTED].

Best,

Gretchen Scheminger  
Intern, Washington D.C. Office of the Governor  
Commonwealth of Massachusetts  
[REDACTED]

Hello there,

I would like to invite you to a meeting this week with HHS Secretary JudyAnn Bigby and Public Safety Secretary MaryBeth Heffernan regarding an update on the Hinton Street Crime Lab in JP. This is a small meeting and therefore this invitation is non-transferable. Details are below.

**Hinton Street Lab Update**

Date: Thursday, September 13, 2012

Time: 1:30pm to 2:15pm

Location: State House, Room 157

Please let me know if you can make it or if you have any questions.

Thanks so much!

Caroline

Caroline Powers

Senior Advisor for Federal-State Relations

Governor Deval Patrick

Commonwealth of Massachusetts

 *office*

**Archived:** Tuesday, March 12, 2019 10:04:31 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI); Early, Joseph (MID)  
**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: J.P. Lab, Re: Proposed Letter to Defense Bar  
**Sensitivity:** Normal

---

Agreed

----- Original Message -----

From: OKeefe, Michael (CPI)  
Sent: Tuesday, September 11, 2012 08:40 AM  
To: Early, Joseph (MID)  
Cc: Leone, Gerard (NOR); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
Subject: Re: J.P. Lab, Re: Proposed Letter to Defense Bar

The letter is appropriate. And only strengthens our position for disclosure to us in writing forthwith of as much of the investigation as is done but particularly the statements of the chemist in question.  
I hope that is why we are being asked to attend tomorrow , to receive in hand same.

Sent from my iPhone

On Sep 11, 2012, at 8:35 AM, "Early, Joseph (MID)" <Joseph.Early@MassMail.State.MA.US> wrote:

> I agree it's not the letter we would send out. But, I think they are asking us if we see any glaring errors in the letter. I don't think we want to get between an agency and defense counsel receiving a letter highlighting a problem. I also agree with you, and your concerns are my concerns, but I also agree the letter should go out.

>

> Sent from my iPhone

>

> On Sep 11, 2012, at 8:07 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> Yes.

>> However, it highlights the need for us to be provided with specific documented information regarding the Lab and issues/failures from the AGO (as appropriate), EOPSS, MSP, and DPH. Although we want to work with the Court and Defense Bar, we are starting to go down a road where the defense bar has the same info, and in some instances more info than we do about Dookhan and the Lab, coupled with these mutual DAO/Defense Bar info disclosures by the Executive Admin.

>> We need to be provided what we need to make decisions and set approaches and strategy, while justifying through documented reasoning to the public and our communities why defendants cases are being thrown out and/or people are being released or having their convictions overturned.

>>

>> ----- Original Message -----

>> From: Early, Joseph (MID)  
>> Sent: Tuesday, September 11, 2012 07:36 AM  
>> To: Maguire, Tara (DAA)  
>> Cc: DAA-DL-DA&EXEC.ASST  
>> Subject: Re: Proposed Letter to Defense

>>


>> Is everyone okay with this letter? I am good with it. Please respond

>>

>> Sent from my iPhone

>>



>> On Sep 10, 2012, at 2:30 PM, "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US> wrote:  
>>  
>>> To the DAs,  
>>>  
>>> Attached please find a letter to private defense counsel that EOPSS would like to send out today. They  
are asking for any DA comments or concerns.  
>>>  
>>> Tara  
>>>  
>>> From: Wood, Curtis (EPS)  
>>> Sent: Monday, September 10, 2012 1:16 PM  
>>> To: Early, Joseph (MID); Maguire, Tara (DAA)  
>>> Cc: Moran, Matthew (EPS); Gabriel, Jane (EPS)  
>>> Subject: Proposed Letter to Defense  
>>> Importance: High  
>>>  
>>> DA Early and Ms. Maguire,  
>>>  
>>> We are proposing to send this correspondence out later today (not the data). Do you have any  
concerns/comments on this? Please let us know.  
>>>  
>>>  
>>>  
>>> Thanks  
>>>  
>>> Curt  
>>>  
>>> Curtis M. Wood  
>>> Undersecretary & Secretariat Chief Information Officer  
>>> Forensic Science and Technology  
>>> Massachusetts Executive Office of Public Safety and Security  
>>>  
>>>   
>>> curtis.wood@state.ma.us  
>>>  
>>>  
>>> <Private Bar Outreach Ltr.docx>  
>>> <Private Bar Outreach Form\_cmw\_9 10 12.docx>

**Archived:** Tuesday, March 12, 2019 10:04:33 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** Re: transcript  
**Sensitivity:** Normal

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Thanks

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 11, 2012 01:43 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: transcript

Here's the transcript

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, September 09, 2012 10:07 PM  
**To:** 'gerard.leone@state.ma.us'; 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
**Subject:** J.P. Lab transcript

CPCS matter where Dookhan holds herself out as being the significant person in the Lab for quality control and matters that go to the heart of Lab operations.

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Sunday, September 09, 2012 10:02 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Fw: transcript

Here is a copy of the transcript. The case is on appeal.

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** Peggie Sweeney <eddiesdaughter@yahoo.com>  
**To:** "Morrissey, Michael (NFK)" <Michael.W.Morrissey@MassMail.State.MA.US>

**Sent:** Mon, Sep 10, 2012 01:19:04 GMT+00:00  
**Subject:** transcript

**Archived:** Tuesday, March 12, 2019 10:04:44 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'

**Subject:** Fw: TWO OUT, THIRD OFFICIAL MAY BE FIRED IN UNFOLDING CRIME LAB CRISIS

**Sensitivity:** Normal

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**From:** Maguire, Tara (DAA)

**Sent:** Thursday, September 13, 2012 07:14 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** FW: TWO OUT, THIRD OFFICIAL MAY BE FIRED IN UNFOLDING CRIME LAB CRISIS

---

**From:** State House News Service [mailto:news@statehousenews.com]

**Sent:** Thursday, September 13, 2012 5:23 PM

**To:** news@statehousenews.com

**Subject:** TWO OUT, THIRD OFFICIAL MAY BE FIRED IN UNFOLDING CRIME LAB CRISIS

---

TWO OUT, THIRD OFFICIAL MAY BE FIRED IN UNFOLDING CRIME LAB CRISIS

By Matt Murphy

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 13, 2012....The bureau chief of the state crime lab at the center of a controversy over the alleged mishandling of drug samples has resigned, a previously suspended lab director has been fired and the Patrick administration has begun "discharge proceedings" against a third crime lab supervisor, state officials announced Thursday.

Health and Human Services Secretary Judy Ann Bigby, Public Safety Secretary Mary Beth Heffernan and State Police Colonel Timothy Alben provided the greatest detail to date of how more than 60,000 drug samples at a state crime lab in Jamaica Plain may have been tainted by a rogue chemist leading to the shakeup.

Lab Bureau Chief Dr. Linda Han resigned on Wednesday, while the director of the analytical chemistry division at the Department Public Health, Dr. Julie Nassif, was fired for their roles in a massive tampering case that Bigby attributed in part to lax oversight and an "unacceptable delay" in notifying superiors.

The state has also begun proceedings to dismiss the chemist's direct supervisor, who is a member of civil service. Officials declined to provide his name.

Suspicion of the testing being conducted by chemist Annie Dookhan first surfaced in June 2011 when an evidence officer noticed that tests had been performed on 90 drug samples that had never been signed out of the evidence room, breaking the chain of custody. Nassif was notified of the breach in protocol, but she did not immediately inform superiors at the Department of Public Health, according to a chronology provided by state officials.

Days later, upon further inspection of the log book, officials found that Dookhan had added her initials and those of others to the sign-out sheet after the fact. Though she was immediately removed from full-time testing duties, Bigby said her office has since learned Dookhan continued to perform periodic testing and testify in court.

"The fact is the chemist violated the public trust in choosing to do what she did. She's responsible for her actions. But the management at the lab also failed," Bigby said.

Bigby said there were "red flags" that should have prompted closer scrutiny, but said the warning signs were either missed or ignored by supervisors. Bigby faulted the chemist's supervisors for a lack of close supervision, outdated operating procedures, a lack of

external oversight and inattention paid to the chemist's unusually high volume of testing at the lab.

Following a court decision in 2009 that required chemists to appear and testify in court, Bigby said, the volume of testing at the lab decreased but the chemist's productivity remained relatively stable, exceeding that of her nearest colleague by 50 percent. Bigby said chemists do not receive any financial incentives for performing more tests.

Since Gov. Deval Patrick ordered the William A. Hinton Laboratory shut down two weeks ago, state officials have been working with prosecutors, defense attorneys, the courts and the departments of probation and parole to try to determine how Dookhan's actions may have impacted justice in 34,000 cases she worked on since 2003.

Heffernan said officials hope to set up a "central office" to begin the "labor intensive" effort of investigating the history of each sample. She said the state would look to hire someone outside of state government to lead the effort that could result in prisoners being released from jail or having their sentences reduced.

Office space will be required, Heffernan said, and legislators have been briefed that funding will be necessary to complete the work, though she did not provide a cost estimate.

"The central office would have to work in conjunction with the district attorneys, with the defense bar and with the court to try and understand what the solution will be when we grasp what the entire range of what this problem is," Heffernan said.

Bigby also said she has asked, at the direction of the governor, that the State Police take over the investigation to look into the facts of what happened at the DPH drug lab to answer "any outstanding questions."

"We will not waiver from our commitment to operating the Hinton Laboratory at the highest scientific standards and with the utmost public confidence," Bigby said.

State Police Colonel Timothy Alben said that when the State Police crime lab director visited the lab in preparation for taking over the operation of the facility two chemists approached the director to express concern that Dookhan had "routinely violated protocol." Alben said they did not want to have to testify to the validity of her work in court.

Neither Alben nor Heffernan would confirm reports that Dookhan was allegedly altering drug samples to produce positive tests or to increase the weights of the samples, which could carry harsher penalties in court. Both said that was the subject of Attorney General Martha Coakley's criminal investigation.

Bigby also said she could not speculate on a motive, but said, "I don't believe it was simple sloppiness."

Dr. Larry Madoff, the director of the Division of Epidemiology and Immunization at the Department of Public Health, has been named the interim director of the Bureau of Laboratory Sciences.

According to officials, the Department of Public Health and the Executive Office of Public Safety were not notified of the June 2011 incident involving the 90 drug samples until December of that year when preparations began for the governor's budget proposal to transfer operations of the lab to state police. The deputy public health commissioner was told then that Dookhan would not be part of the personnel transition, and a department attorney was assigned to investigate.

In January, Bigby's office was informed of the investigation and she notified Heffernan and the governor's office. Patrick's chief legal counsel then notified the Norfolk District Attorney's Office, the U.S. Attorney's Office and Massachusetts District Attorneys Association of the chain of custody breach for 90 samples in Norfolk County.

Dookhan was placed on paid administration leave on Feb. 1, almost eight months after her misdeeds had first been noticed. She resigned on March 9.

-END-  
09/13/2012

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**Archived:** Tuesday, March 12, 2019 10:04:51 AM

**From:** Leone, Gerard (NOR)

**Sent:** Thu, 13 Sep 2012 10:23:04

**To:** DAA-DL-ALL.DAs

**Subject:** J.P. Lab Story Globe: State chemist accused of mixing drug samples

**Sensitivity:** Normal

---



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
(781) 897-8316 | [www.middlesexda.com](http://www.middlesexda.com)

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### **State chemist accused of mixing drug samples**

#### **Prosecutor says drugs combined, weights faked**

**By John R. Ellement, Kay Lazar and Milton J. Valencia, Boston Globe, September 13, 2012**

<http://bostonglobe.com/metro/2012/09/12/state-chemist-mixed-drugs-from-unrelated-cases-increased-weight-evidence-prosecutor-alleges/KiyNOzh7iSzbRUoRKXr0gL/story.html>

- DEDHAM — Former state chemist Annie Dookhan mixed drugs from unrelated criminal cases to assure positive results and manipulated evidence to increase its weight, a prosecutor said Wednesday, providing the most extensive description yet of the alleged tampering at a Jamaica Plain laboratory.
- Assistant Norfolk District Attorney Thomas Finigan said that in some cases handled at the lab, evidence that initially testing negative for the presence of illegal drugs was subjected to retesting and came back positive for contraband. In other cases, the weight of drug evidence was increased, thus potentially elevating the penalties that suspects faced.
- The prosecutor outlined the allegations in Norfolk Superior Court as he asked that reputed drug dealer Ismael Perez, who skipped bail two years ago, be released from custody because the evidence against him may be irretrievably tainted.
- “We will never be sure if they are the same drugs” seized by police in 2008, Finigan told Superior Court Judge Mitchell Kaplan.
- The prosecutor did not mention the chemist by name, but officials have identified her as Dookhan, who worked at the crime laboratory operated by the Department of Public Health.
- Dookhan resigned in March, and state authorities abruptly shuttered the lab last month after the allegations of tampering emerged.
- State Police have notified prosecutors in Eastern Massachusetts that Dookhan handled 60,000 samples from 2003 to 2012, potentially imperiling 34,000 criminal cases.
- State Police and Attorney General Martha Coakley, whose office is conducting a criminal investigation, have not disclosed details of the potential contamination of crime samples, beyond an assertion that Dookhan failed to properly document handling of drug evidence one day in June 2011.
- In court Wednesday, Finigan provided new insight into the concerns raised by his boss, Norfolk District Attorney Michael Morrissey, and prosecutors from Suffolk, Middlesex, and other counties who routinely sent suspected drugs to be tested and weighed by the lab.
- Separately, prosecutors met on Beacon Hill Wednesday with Governor Deval Patrick. Following that meeting, Patrick said he shared prosecutors’ concerns and suggested that a “boiler room” be created to review the thousands of cases that might be involved, examine the evidence, and determine the next step.
- “The point is to get it to specific individuals, to make sure we are getting to the right cases, and finding out exactly what happened, and that we are dealing with real, live people and real, live cases,” Patrick told reporters.

- “We prioritize, I hope, those people who may be incarcerated right now because they have a critical liberty interest,” Patrick said. “But we don’t want to limit it to that. But that’s where it would start.”
- Patrick also hinted that some people may lose their jobs over the unfolding scandal. “You are going to hear a lot more about that at the end of the week,” the governor said, declining to be more specific.
- Cape and Islands District Attorney Michael O’Keefe, vice president of the Massachusetts District Attorneys Association, said the meeting with Patrick and Coakley was productive, with officials adopting a strategy to identify defendants whose cases may have been affected.
- “We all have the same goal in mind, which is that the integrity of the criminal justice system be preserved,” O’Keefe said. “We all recognize the district attorneys need additional information in order to make the kind of decisions that have to be made to ensure no one is imprisoned or convicted improperly as a result of the actions that took place at the Department of Public Health laboratory.”
- In the meantime, Morrissey’s office is examining cases that it already knows Dookhan was involved with, including that of David A. Danielli, who pleaded guilty to possession with intent to distribute 500 oxycodone pills.
- Danielli was originally charged with drug trafficking and faced a mandatory sentence of at least seven years in prison, plus two years for drug sales near a Quincy school. But in February, the state health agency acknowledged that lab protocol had been breached June 14, 2011, the day the suspect’s drugs were tested.
- Earlier this year, Morrissey’s office dropped its push for the mandatory sentence in return for Danielli pleading guilty and being given a three year House of Correction sentence.
- Danielli’s attorney, John T. Martin, filed an emergency motion with the court Wednesday asking that Danielli be allowed to withdraw his guilty plea and be released from prison, a move supported by a prosecutor from Morrissey’s office, George Papachristos.
- Papachristos said in court that prosecutors want to keep the criminal case against Danielli alive while the Dookhan investigation continues but do not believe he should remain behind bars when the key piece of evidence against him is potentially tainted.
- The requests for dramatic changes in the status of Danielli and Perez were presented to Judge Kaplan, who said from the bench that Wednesday was the first time he confronted the full scope of the Dookhan investigation.
- “What are we to do?” he asked, rhetorically.
- The judge noted that Perez jumped bail and was only back in the Dedham courthouse because he was arrested in Lawrence on drug charges. Danielli, he said, had agreed to plead guilty before another judge, and Kaplan said he did not believe he had the authority to unilaterally reverse that.
- Kaplan set Perez’s bail at \$1,000 cash — Perez is being held on separate \$100,000 cash bail on the Lawrence case — and took the Danielli motion under advisement. Kaplan said he will revisit the matter Friday.
- Outside court, Danielli’s attorney, Martin, applauded the prosecutors’ move.
- “In our system, many innocent people will stand before a court and say they are not guilty,” he said. “At the same time, many people who are innocent will plead guilty because of the circumstances or evidence they are facing.”
- “When the evidence is false or fabricated, they deserve to be informed of it,” Martin said.

**Archived:** Tuesday, March 12, 2019 10:05:03 AM

**From:** Leone, Gerard (NOR)

**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Bcc:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'

**Subject:** Re: DISCIPLINARY ACTIONS, "WAR ROOM" APPEAR ON RADAR AS CRIME LAB CRISIS UNFOLDS

**Sensitivity:** Normal

---

Meetings must have gone well today. We're now in favor of the Governor's War Room?

---

**From:** Maguire, Tara (DAA)

**Sent:** Wednesday, September 12, 2012 04:39 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** Fw: DISCIPLINARY ACTIONS, "WAR ROOM" APPEAR ON RADAR AS CRIME LAB CRISIS UNFOLDS

-----Original message-----

**From:** State House News Service <news@statehousenews.com>

**To:** "news@statehousenews.com" <news@statehousenews.com>

**Sent:** Wed, Sep 12, 2012 20:37:44 GMT+00:00

**Subject:** DISCIPLINARY ACTIONS, "WAR ROOM" APPEAR ON RADAR AS CRIME LAB CRISIS UNFOLDS



DISCIPLINARY ACTIONS, "WAR ROOM" APPEAR ON RADAR AS CRIME LAB CRISIS UNFOLDS

By Matt Murphy

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 12, 2012....After meeting with prosecutors to calm concerns about his administration's handling of the crisis, Gov. Deval Patrick on Wednesday suggested disciplinary actions stemming from the mishandling of thousands of drug samples at a state crime lab could be handed down within days.

"You're going to hear a lot more about that before the end of the week," Patrick said after being asked by reporters what he was doing about delays in the reporting to his office of breaches in protocol at a state crime lab in Jamaica Plain. He gave the same response when asked if people would lose their jobs.

Patrick attended a portion of a closed meeting Wednesday with district attorneys, Health and Human Services Secretary JudyAnn Bigby, Public Safety Secretary Mary Beth Heffernan and Attorney General Martha Coakley to discuss the path forward for identifying drug cases that may have been tainted by the mishandling of evidence by a state chemist.

The governor ordered the crime lab, one of 18 labs at Department of Public Health's William A. Hinton Laboratory, shut down two weeks ago after it was revealed that a chemist may have improperly handled thousands of evidence samples used to prosecute drug crimes.

Control of the crime lab was recently shifted to the State Police, and testing since the lab was shut down has been moved to the State Police Crime Lab in Sudbury. An administration official said there are no immediate plans to reopen the Jamaica Plain lab. Bigby and Heffernan are preparing reports for Patrick looking into how the transgressions were allowed to happen,



and why it took so long for information to travel up the chain of command.

Those reports could be available before the end of the week, according to an administration official.

Patrick said he proposed and the district attorneys "seem open to the idea" of setting up a "war room" to sift through the 60,000 samples and 34,000 cases worked on by the chemist since 2002 to try to link the samples to individual defendants starting with those who might be incarcerated now.

"I've proposed that we create a kind of boiler room or war room with some folks who can work through with the documents and information from different agencies to make sure we get a comprehensive list," Patrick said.

The Patrick administration has already released a list of drug samples handled by the rogue chemist, identified by prosecutors as Annie Dookhan, and names associated with those samples, but Patrick said that list now must be matched against cases and individual dispositions.

"We prioritize, I hope, those people who may be incarcerated right now because they have a critical liberty interest, but we don't want to limit it to there. It's just where we'd start," Patrick said.

Governor's Councilor Terrence Kennedy, a defense attorney, said he has identified four to five past clients already whose cases were worked on by the chemist in question.

"The defense bar is being very patient, but the guy in jail probably isn't," Kennedy said.

Though defendants convicted on drug charges should probably not have been exonerated, Kennedy said many may be serving mandatory minimum sentences based on drug weights that were not accurate. He said he has been told that some of the cases being looked at may involve drug weights increasing after being tested by the chemist.

"Sloppiness is one thing. Tampering with evidence is a crime," Kennedy said.

The district attorneys wrote to Patrick last week expressing their frustration at the lack of information provided by the Patrick administration. "Due to the barebones nature of the enormous list we were given, we still do not know exactly how many actual cases these tens of thousands of samples correlate to or which of these samples connects to cases where someone is presently incarcerated and whose liberty literally hangs in the balance," Worcester District Attorney Joseph Early and Cape and Islands District Attorney Michael O'Keefe wrote in a Sept. 6 letter.

Patrick said sorting through the information will require the effort and cooperation of not just his administration, but prosecutors, defense attorney and the courts.

"I can tell you all of the district attorneys, the attorney general and all of the folks who work with me are determined to see that justice is done," Patrick said.

Patrick said he hoped the work would be done "as fast as possible," and he hopes to have the "war room" set up before the end of the week.

Attorney General Martha Coakley was also expected to brief prosecutors and public health and safety officials on the status of her criminal investigation into the lab later Wednesday afternoon.

-END-

09/12/2012

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**Archived:** Tuesday, March 12, 2019 10:05:11 AM  
**From:** Leone, Gerard (DAA)  
**Sent:** Fri, 14 Sep 2012 11:12:12  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** J.P. Lab: Criminal Law Section: Drug Lab Database Access  
**Sensitivity:** Normal

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**From:** Conley, Daniel (SUF)  
**Sent:** Friday, September 14, 2012 11:04 AM  
**To:** Haggan, Patrick (SUF); Pappas, John (SUF); Stewart, Gerald (SUF); Deakin, David (SUF); Lee, Macy (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: Criminal Law Section: Drug Lab Database Access

FYI-

Received today from the BBA. This is a message to private criminal defense lawyers who are members of the BBA.

DC

---

**From:** Boston Bar Association [mailto:bbamail@bostonbar.org]  
**Sent:** Friday, September 14, 2012 11:01 AM  
**To:** Conley, Daniel (SUF)  
**Subject:** Criminal Law Section: Drug Lab Database Access



Dear BBA Criminal Law Section Member:

In response to the concerns about wrongdoing and misconduct at the Hinton State Laboratory Institute in Jamaica Plain, the Commonwealth is providing the [private criminal defense bar](#) with access to a database of information to identify individuals whose cases potentially have been impacted. In order to obtain access to this information, attorneys will need to submit this [form and attestation](#).

Any attorney who

- handled a drug-related matter between the years of 2003 to 2012 in which the drug analysis may have been conducted in the DPH Drug Lab, or
- handled a matter in which the defendant's sentence may have been enhanced by a drug-related conviction based on conduct between the years 2003 to 2012,

inclusive, in which the drug analysis may have been conducted in the DPH Drug Lab may seek access to the database by filling out the form and attesting to their compliance with CORI.

The completed [form and the attestation](#) must be submitted in writing by mail or fax to:

**Massachusetts Executive Office of Public Safety and Security**  
**One Ashburton Place**  
**Room 2133**  
**Boston, MA 02108**  
**Attn: Michelle Goldman**  
**Fax: [REDACTED]**

Thank you,

Boston Bar Association

© 1995 - 2012 All Rights Reserved  
Boston Bar Association | 16 Beacon Street | Boston, MA 02108  
Main: 617.742.0615 | Fax: 617.523.0127  
[Staff Phone Directory](#) | [Terms of Use](#) | [Privacy Policy](#)  
Questions, comments? contact [membership@bostonbar.org](mailto:membership@bostonbar.org)

**Archived:** Tuesday, March 12, 2019 10:05:20 AM

**From:** Leone, Gerard (DAA)

**Sent:** Fri, 14 Sep 2012 10:44:02

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Leone, Gerard (NOR)

**Subject:** J.P. Lab: Dookhan issues

**Sensitivity:** Normal

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**From:** Flanagan, Thomas (PLY)

**Sent:** Friday, September 14, 2012 10:01 AM

**To:** DAA-DL-DA&EXEC.ASST; DAA-DL-FIRST ADA; Maguire, Tara (DAA); Bedrosian, Ed (AGO)

**Cc:** 'Bridget Middleton' [REDACTED]

**Subject:** Dookhan issues

D.A. Cruz has designated me as the point person for Plymouth County on these matters.

D.A. Cruz is in agreement with the approach outline in Pat Haggan's email from last night: the reports and other documents should have the indicated redactions, and be provided under a uniform protective order based on the ongoing AG investigation. All prosecutors in our county will be advised to hold off on turning these over until early next week, when this motion for protective order is finalized.

Is anyone working on a draft motion for protective order yet? In the interests of consistency we could all use the same boilerplate motion, and turn over the same redacted copies of reports.

Please feel free to reach me at the number below, or on my cell at [REDACTED].

Thanks,  
Tom

Thomas J. Flanagan, Jr.  
Assistant District Attorney  
Plymouth County District Attorney's Office  
32 Belmont Street  
Brockton, MA 02301  
Desk tel. [REDACTED]  
Fax [REDACTED]

**Archived:** Tuesday, March 12, 2019 10:05:28 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: Please respond quickly  
**Sensitivity:** Normal

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We'll do our own thing, and we'll tie in when we can to larger piece.

---

**From:** Walker, Jodi (NOR)  
**Sent:** Thursday, September 13, 2012 09:01 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: Please respond quickly

I don't think we have any pending cases on tomorrow.

I think this approach sounds reasonable, but from my point of view, it will likely be unnecessary in most of our pending cases: at this point I think we need to focus on the language of disposing of most/all pending cases. If we decide to multi-step this approach, docs with affidavit sound fine, but we should be prepared on bail.

Sent from my iPhone

On Sep 13, 2012, at 8:33 PM, "Leone, Gerard (DAA)" <[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)> wrote:

Fyi

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, September 13, 2012 08:29 PM  
**To:** Haggan, Patrick (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST; Maguire, Tara (DAA)  
**Subject:** Re: Please respond quickly

Sounds reasonable.

Sent from my iPhone

On Sep 13, 2012, at 8:24 PM, "Haggan, Patrick (SUF)" <[Patrick.Haggan@MassMail.State.MA.US](mailto:Patrick.Haggan@MassMail.State.MA.US)> wrote:

District Attorney Conley asked me to brief you on a conversation that I had this evening with First Assistant Attorney General Ed Bedrosian. Ed indicated that the AG's Office would also request that the materials (MSP reports) be disclosed by each DA's Office specifically with a protective order limiting dissemination. At my suggestion, he stated a willingness to have an AAG or state trooper assigned to the investigation draft and sign an affidavit in support of a motion for protective order that could be used on all cases. The affidavit would presumably cite the sensitive ongoing investigation and the potential negative effect of further widespread media attention as to specific details contained in the reports. If everyone agrees that this is a good idea, I believe that they can get us such an affidavit tomorrow. Additionally, Ed informed me that on Monday, he expects the

AG's Office will release to the DAs the remaining reports completed thus far in the investigation. He suggested that the volume of pages is relatively large (as they are summaries of the statements of the 17 other potential witnesses in the laboratory), but that the content is certainly less significant than the Dookhan statements reports. Based upon the additional reports expected to be received on Monday, it may make sense to delay disclosure of the materials until late Monday or Tuesday when we will have a more complete packet of materials. By that time, we should also have a uniform protective order and supporting affidavit to be filed, as well as some agreement on potential redactions to the reports (i.e. Dookhan's address, phone number, child's name, etc.).

Pat Haggan

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**From:** Conley, Daniel (SUF)  
**Sent:** Thursday, September 13, 2012 5:03 PM  
**To:** Haggan, Patrick (SUF)  
**Subject:** FW: Please respond quickly

FYI-

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**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, September 13, 2012 4:46 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Please respond quickly

If we are in possession of potentially exculpatory evidence, we must provide it, asap. We can do so to named defendants in all relevant cases pending, and consider a P.O. that limits dissemination to the D/C and the client in furtherance of their defense on that case.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, September 13, 2012 04:33 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Please respond quickly

DAs Early and O'Keefe asked that I send you the following message:

The DAs are now in possession of potentially exculpatory evidence. Can you please provide your thoughts on the following questions:

1. To whom should this information be provided?
2. When should the information be provided?
3. What protections, if any, should be sought when providing the information?

DA O'Keefe has suggested that if he is to release this information, it will be to the attorney of a named defendant and with a protective order.

Please respond quickly, as the failure to act in a uniform method in these matters will undoubtedly pit the policy of one DA's office against another.

Thank you.

**Archived:** Tuesday, March 12, 2019 10:05:33 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** Fw: Fwd: DPH Drug Laboratory  
**Sensitivity:** Normal

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**From:** Early, Joseph (MID)  
**Sent:** Friday, September 14, 2012 03:27 PM  
**To:** OKeefe, Michael (CPI); Conley, Daniel (SUF); Leone, Gerard (NOR); Blodgett, Jonathan (EAS); Cruz, Timothy (PLY)  
**Subject:** Fwd: DPH Drug Laboratory

Sent from my iPhone

Begin forwarded message:

**From:** "Lazar.Moore, Ellyn (MID)" <[Ellyn.Lazar-Moore@MassMail.State.MA.US](mailto:Ellyn.Lazar-Moore@MassMail.State.MA.US)>  
**Date:** September 14, 2012 1:44:08 PM EDT  
**To:** "Early, Joseph (MID)" <[Joseph.Early@MassMail.State.MA.US](mailto:Joseph.Early@MassMail.State.MA.US)>, "Bennett, Daniel (MID)" <[Daniel.Bennett@Massmail.State.Ma.Us](mailto:Daniel.Bennett@Massmail.State.Ma.Us)>, "Karcasinas, Ed (MID)" <[Ed.Karcasinas@MassMail.State.MA.US](mailto:Ed.Karcasinas@MassMail.State.MA.US)>, "Connolly, Tim (MID)" <[tim.connolly@MassMail.State.MA.US](mailto:tim.connolly@MassMail.State.MA.US)>  
**Cc:** "Nadeau, Jennifer (MID)" <[Jennifer.Nadeau@MassMail.State.MA.US](mailto:Jennifer.Nadeau@MassMail.State.MA.US)>, "[Elizabeth.Stammo@state.ma.us](mailto:Elizabeth.Stammo@state.ma.us)" <[Elizabeth.Stammo@state.ma.us](mailto:Elizabeth.Stammo@state.ma.us)>  
**Subject:** FW: DPH Drug Laboratory

You are likely aware of this, but I just wanted to pass along what I just received from the MBA, which they've been asked to send to their members. (The link brings you to a letter from the Dept. of Crim. Justice Info. Services and this "attestation form").

---

**From:** Martin W. Healy, MBA Chief Legal Counsel [<mailto:massbar@massbar.ccsend.com>] **On Behalf Of** Martin W. Healy, MBA Chief Legal Counsel  
**Sent:** Friday, September 14, 2012 1:37 PM  
**To:** Lazar.Moore, Ellyn (MID)  
**Subject:** DPH Drug Laboratory



**FROM:** Martin W. Healy, MBA Chief Legal Counsel

**DATE:** Friday, Sept. 14, 2012

**RE:** DPH Drug Laboratory

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The Massachusetts Bar Association has been asked by the Commonwealth of Massachusetts Executive Office of Public Safety and Security to inform the criminal bar of critical information in the wake of the news of wrongdoing by a former chemist at the Department of Public Health's Drug Laboratory at the Hinton State Laboratory Institute in Jamaica Plain. [Click here](#) for an important practice alert and a related non-disclosure and attestation form.

---

*This MBA e-mail is sent as a service to our members. If you would like to change your e-mail preferences or update your mailing address, log on to [www.massbar.org](http://www.massbar.org).*

*To change your address or conduct other membership business, e-mail [membership@massbar.org](mailto:membership@massbar.org).  
Mailing address: Member Services, Massachusetts Bar Association, 20 West St., Boston, MA 02111-1204.*



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Massachusetts Bar Association | 20 West St | Boston | MA | 02111



**Archived:** Tuesday, March 12, 2019 10:05:38 AM

**From:** Leone, Gerard (DAA)

**Sent:** Sat, 15 Sep 2012 08:34:03

**To:** Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR)

**Cc:** Leone, Gerard (NOR)

**Subject:** J.P. Lab, Lowell Sun

**Sensitivity:** Normal

---

Good article.

Too bad they chose to excise the part of the quote about our prioritizing "justice".

----- Original Message -----

From: Wechsler, Pamela (NOR)

Sent: Saturday, September 15, 2012 08:18 AM

To: Leone, Gerard (NOR)

Subject:

Leone to review cases affected in lab scandal

By Lisa Redmond, lredmond@lowellsun.com Lowell Sun

Updated:

LowellSun.com

BOSTON -- With tens of thousands of drug prosecutions hanging in the balance statewide, Middlesex District Attorney Gerard Leone said he has requested "critical information" on tainted drug cases.

"We have made direct and specific requests for critical information and necessary funding from (the Department of Public Health and the Executive Office of Public Safety) that we will need in order to be able to make any decisions about the problems caused to our cases by the compromised lab," Leone said.

Once the affected cases have been identified, Leone said his office will make "a case-by-case assessment to determine our next steps."

The Middlesex district attorney's office used the Hinton State Laboratory in Jamaica Plain between 2003 and 2009, said the DA's spokeswoman, Jessica Pastore. After that, Middlesex cases were sent to the State Police lab in Sudbury, she said.

While there is no estimate of the number of Middlesex cases in jeopardy, Pastore said, "there will be cases that will be impacted."

"We are still waiting on exact information from the Executive Office of Public Safety and the state Department of Public Health to determine which cases are impacted and how they are impacted," she said.

Local police departments are also anxiously watching developments.

"At this time I just don't have enough information to comment," Billerica Police Chief Daniel Rosa said.

At a press conference Thursday, state officials announced that one lab manager has been fired and another reassigned in the wake of the widening probe.

Gov. Deval Patrick said he would like to establish a centralized "war room" to reconcile database and spreadsheet information regarding mishandled cases by the end of the week.

The Hinton State Laboratory was shut down Aug. 30 after state police discovered chemist Annie Dookhan, of Franklin, allegedly failed to follow testing protocols and may have deliberately mishandled drug samples.

"I don't know the motive for why she did this, but I don't think it was simple sloppiness," Secretary of Health and Human Services JudyAnn Bigby said at the press conference.

Col. Timothy Alben, head of the state police, called the allegations "criminal in nature."

Dr. Linda Han, director of the Bureau of Laboratory Sciences since 2010, resigned after being informed she faced termination, Bigby said. Julie Nassif, director of the analytical chemistry division, was fired and a third person, identified only as Dookhan's immediate supervisor, remain on the job but face disciplinary proceedings.

The lab certified drug evidence in cases submitted by police and prosecuted by district attorneys' offices.

At Thursday's press conference, officials revealed figures that show that Dookhan had done an "unusually high volume" of testing between 2001 and 2004, making her the second most-productive chemist.

Dookhan was placed on administrative leave on Feb. 1 and resigned in March, according to published reports.

There are estimates that Dookhan handled 50,000 drug samples involving more than 30,000 cases.

The lab was run by the state DPH until July 1, when state police took over as part of a budget directive.

It was during the transition process that state police discovered the alleged breaches in testing protocols.

Determining which cases Dookhan handled may require checking who signed off on the drug certifications.

Most of the Middlesex drug cases between 2003 and 2009 have been resolved by now -- although some may be pending for a variety of reasons -- so the tainted drug samples are an issue for defendants who may have been wrongly convicted, wrongly deported or forced to forfeit property. Ultimately, new trials may be ordered if drug evidence can't be retested.

"There are certainly many collateral issues," Pastore said.

"The scandal could have a huge impact on closed cases," said defense attorney Christopher Spring, a former prosecutor. "Any conviction in which the Jamaica Plain lab tested the substance will now be vulnerable to attack."

Spring said the drug samples were likely destroyed once the cases were finished, so there will be no way to retest the substances.

The potential scope of this scandal is "extremely troubling," he said.

Defense attorneys rely on these types of lab reports to advise their clients about the best way to defend their cases. If the lab reports were tainted, defense attorneys were not in a position to advise their clients effectively.

"I'm glad the district attorneys and the governor seem to be taking the problem seriously," Spring said. "I'm sure most prosecutors would be equally disturbed if innocent people were convicted of crimes as a result of tainted lab reports."

Spring added, "I was a prosecutor until 2004, and I would be devastated if I learned that I sent someone to prison based on erroneous lab work."

Pastore said prosecutors are working with attorneys on a case-by-case basis to get court continuances on pending drug cases that may be in doubt.

"We want to continue those cases while we continue to gather information," Pastore said.

T

**Archived:** Tuesday, March 12, 2019 10:05:43 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Subject:** Re: J.P. Lab, Lowell Sun  
**Sensitivity:** Normal

---

Thanks.

I figure if we stress the lesser standard, lesser BOP, and the fact that no person's liberty suffers, but at worst the ill gotten gains of a person dealing drugs (no matter how compromised the processing of those drugs are), forfeitures can go to the end of the line as far as collateral damage.

Bottomline, is that in forfeiture matters, they are engaged in the drug business and these are the "proceeds", regardless how bad the Lab processing might have been.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Saturday, September 15, 2012 09:57 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: J.P. Lab, Lowell Sun

DA Leone,

I think that's a great article! You even have a sympathetic defense attorney.

Also, I spoke with DAs Early and O'Keefe about your point on forfeitures being "in rem" proceedings. They will explain that if (when) channel calls them next week. She may also call you, but feel free to reach out to her. My main goal was to walk her through the spreadsheet; I would be happy to send you her contact information if you want it. (Kristen Setera called me. Kathy Curran called DA Early - both from channel 5.) Thank you!

-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**To:** "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US>  
**Sent:** Sat, Sep 15, 2012 12:34:57 GMT+00:00  
**Subject:** J.P. Lab, Lowell Sun

Tara, FYI.  
Too bad they excised the part about our prioritizing "justice be done".  
But a relatively good article.

----- Original Message -----

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Sent: Saturday, September 15, 2012 08:18 AM  
To: Leone, Gerard (NOR)  
Subject:

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By Lisa Redmond, lredmond@lowellsun.com Lowell Sun  
Updated:

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"We want to continue those cases while we continue to gather information," Pastore said.

T

**Archived:** Tuesday, March 12, 2019 10:05:47 AM

**From:** Leone, Gerard (NOR)

**To:** Pastore, Jessica Venezia (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR)

**Cc:** Guyotte, Stephanie (NOR)

**Subject:** Re: WEEKLY ROUNDUP - CHEMICAL PEEL

**Sensitivity:** Normal

---

Thanks.

This is a very interesting read these days.

---

**From:** Pastore, Jessica Venezia (NOR)

**Sent:** Friday, September 14, 2012 05:57 PM

**To:** Walker, Jodi (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Leone, Gerard (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR)

**Cc:** Guyotte, Stephanie (NOR)

**Subject:** FW: WEEKLY ROUNDUP - CHEMICAL PEEL

Fyi: JP Lab

And with that, I'll see you all on the other side (of baby!).

WEEKLY ROUNDUP – CHEMICAL PEEL

Recap and analysis of the week in state government

By Matt Murphy

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 14, 2012.... Annie Dookhan's name will not quickly be forgotten, the depth, breadth and full extent of her misdeeds still being unraveled this week as the layers of her chemical scheme at a state crime lab slowly began to peel away.

This is certainly not what Gov. Deval Patrick had in mind a few months ago when he was pushing for non-violent drug offenders to be released early to ease prison overcrowding. And it's not what prosecutors want to be spending their next few weeks (months, a year?) sorting through.

Over 60,000 drug evidence samples were handled by Dookhan since 2003 with 34,000 cases hinging on the results of lab tests. All of which must now be examined after serious breaches in testing protocol starting in June 2011 were unearthed.

Separately, another calamity had the political establishment, strangely, cheering wildly. The fishing industry in Massachusetts, long a staple of the region's economy and heritage, is a natural disaster. The federal disaster declaration from the U.S. Commerce Department and Sen. John Kerry's likely success at inserting \$100 million for the industry into a Congressional farm aid bill, could provide the economic relief struggling fishermen have long been seeking as they cope with catch limits, depleting fish stocks, and the potential for even tighter restrictions.

Patrick is fond of talking about how the vast majority of public employees he works with are so dedicated to their jobs that they run to work. Dookhan apparently was one of those employees, testing as many as 50 percent more drug samples than her colleagues at a time when testing volume per chemist was on the decline.

Health and Human Service Secretary Judy Ann Bigby counted this as one of the "red flags" missed by supervisors, three of which have either resigned, been dismissed, or are on their way out as part of the bloodletting that must occur when screw-ups of this magnitude happen in government.

Still unclear are Dookhan's motives, her exact methods and the number of cases she might have tipped the scales for, literally, to keep drug offenders behind bars. Attorney General Martha Coakley is investigating, and all public safety officials would admit publicly

is that she had admitted to “several types of behavior.”

“I don’t know the motive of why she did this. I don’t believe it was simple sloppiness,” Bigby said.

Describing the new “boiler room” the state plans to set up to sort through the mess, Public Safety Secretary Mary Beth Heffernan said, “The central office would have to work in conjunction with the district attorneys, with the defense bar and with the court to try and understand what the solution will be when we grasp what the entire range of what this problem is.”

Suffolk County District Attorney Dan Conley called the lab situation a “catastrophic failure” on Friday.

“If someone is held or convicted on tainted evidence, we won’t hesitate to take every appropriate step to bring the case to light and correct the record,” he said in a statement. “But if there are credible facts and evidence to support the legitimacy of an implicated case, we’ll work just as hard to ensure that the defendant is held accountable.”

The Patrick administration said it will be looking for someone outside of state government to lead the effort, preferably a neutral party acceptable to both prosecutors and the defense bar. Paging all retired judges. And if that doesn’t pan out, Scott Harshbarger is probably available.

After a brief Sept. 11 détente and a presumably sincere happy birthday Twitter message from Elizabeth Warren to Scott Brown, all pretense of cordiality in the U.S. Senate race was dropped with the first televised debate between the two looming next week.

So far, Brown’s campaign may as well have hired the Sears marketing department to consult for his campaign. He cooks. He cleans. He drives around. He votes with Democrats. Come see the softer side of Scott Brown.

While Elizabeth Warren was busy casting herself as a “The Fighter” complete with an endorsement and ad featuring Lowell boxing legend Arthur Ramahlo, Brown and 6th Congressional district candidate Richard Tisei were busy trotting out endorsements from local Democrats around the state.

At perhaps an all-time low in Washington, bipartisanship is in vogue in Massachusetts politics, at least for Republicans this election cycle.

So loathe to insert themselves in the partisan wars being waged on the national stage, the MassGOP even tabled a vote this week at their state committee meeting over whether to adopt the national Republican platform, barring a Boston Globe reporter from the public meeting after the paper paid considerable attention to the issue this week.

House Minority Leader Brad Jones may equate platforms to doorstops or Republican budgets, equally meaningless, but neither Brown nor Tisei wanted to be associated with the national agenda, a fact Democrats were more than happy to highlight.

One Republican who could have cared less either way was Hanson state Rep. Dan Webster who unexpectedly ended his reelection campaign, presumably to deal with his own legal issues and a threat of disbarment. The MassGOP moved quickly to replace him on the ballot with his former campaign manager Karen Barry, who ran a strong, last-minute write-in campaign against her former boss.

The lengthy 15-month search for a new CEO of the Massachusetts Port Authority also ended this week with former Partners HealthCare executive and Dukakis-era MBTA chief Thomas Glynn emerging as the preferred candidate.

Given Glynn’s lack of aviation experience and the time it took to settle on him as a replacement for Thomas Kinton, some transportation watchers were openly wondering whether anyone else wanted the job, especially in light of the fact that he will likely be paid less than Kinton’s \$295,000 a year salary.

Patrick’s turning to former Mass Business Roundtable director Alan Macdonald and Northern New England Laborers’ District Council business manager Joe Bonfiglio to round out an expanded seven-member MassDOT board – minus Liz Levin – could also become telling in the months ahead. Macdonald once backed a 25-cent gas tax hike, but said this week he’s not focused on new revenue and open to all manner of long-term financing ideas.

The week also brought an answer to the question of how much it would cost to ruin Bill Galvin’s day? Answer: \$15.

That’s how much pot legalization advocate Scott Gacek paid for the website domain votenoonquestion3.org, the same address listed in Galvin’s voter guide mailed out to every Massachusetts household.

What voters will find instead of a cogent argument against medical marijuana is a spoof site blaming pot for the pending apocalypse,



Twinkie addiction and the demise of the Red Sox.

Jay Broadhurst, the real man behind the Question 3 opposition, failed to register the site he provided to Galvin for the guide, and Gacek swooped in on Tuesday for the hit.

STORY OF THE WEEK: Disasters to fix/celebrate, the bottom of a crime lab scandal still out of sight.

-END-

09/14/2012

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**Archived:** Tuesday, March 12, 2019 10:26:37 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Walker, Jodi (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Mahon, Patrick (NOR) (Patrick.Mahon@MassMail.State.MA.US)

**Cc:** Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** JP Lab Draft MDAO Proposal and Supplemental Budget Request / AD databases to date (9/13/2012)

**Sensitivity:** Normal

---

We should use the SDAO template (I have provided the SDAO draft budget to Marian and Jodi, they can reforward to all of us) and create a draft budget request for my MDAA Wed at 11 a.m. meeting. Jodi and Marian, you will need to talk with Pat, with all of my guidance regarding our priorities and objectives to date in mind, to create a draft budget request.  
Thank you.  
Gerry

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

Sent: Monday, September 17, 2012 10:15 AM

To: Walker, Jodi (NOR); Walker, Jodi (NOR); Leone, Gerard (NOR); Ryan, Marian (NOR)

Subject: RE: JP Lab / AD databases to date (9/13/2012)

For background, this is the data we have so far on identifying Dookhan cases.  
#4 will require a lot of translation b/c we don't have docket numbers, and when we do, we will have to link the dockets to cases and then run BOPs.

---

From: Walker, Jodi (NOR)

Sent: Thursday, September 13, 2012 4:46 PM

To: 'jodi.walker@state.ma.us'

Subject: JP Lab / AD databases to date (9/13/2012)

1. MDAO generated list (8 pages) of cases in which AD was summonsed by MDAO from 2009-present.  
Data not available before 2009
  - a. Approximately 300 Middlesex cases (there could be duplicates; has docket numbers and Ds names, court dates)
2. MSP generated list (4 pages) of all state cases in which AD appeared as a witness from 6/2009-2/9/2012
  - \* Approximately 40 Middlesex cases (Ds names, court, date of appearance, ADA names included)
3. MSP generated list (163 pages) of all state cases in which AD was SUMMONSED as a witness from 6/29/2009 – 12/20/12
  - \* Approximately \_\_\_\_ Middlesex cases (Ds names, court, date of summons, included) (very likely duplicates)
4. MSP Paper (over, at least, 2000 pages) and data files of the following (Courtney is reviewing and extracting all Middlesex cases)

- \* All state-wide cases from 2008 to the present in which AD was primary or secondary chemist (Sorted by county, no docket number, Ds name)
- \* All state-wide cases from 2004 to 2008 in which AD was a primary chemist (Sorted by town) (No docket numbers)
- \* All state-wide cases from 2004 to 2008 in which AD was a secondary chemist (Sorted by town) (No docket numbers)
- \* Possibly some 2003 data mixed in – perhaps gap in 2003-2004 data

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
Jodi.Walker@state.ma.us<mailto:Jodi.Walker@state.ma.us>

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

**Archived:** Tuesday, March 12, 2019 10:26:47 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Subject:** RE: JP lab Internal Emails  
**Sensitivity:** Normal

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Ugh – bad to worse

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, September 17, 2012 10:50 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP lab Internal Emails

Thank you!

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**From:** Leone, Gerard (NOR)  
**Sent:** Monday, September 17, 2012 10:24 AM  
**To:** DAA-DL-ALL.DAs  
**Subject:** JP lab Internal Emails

## E-mails portray state drug lab in chaos

### Employees write of frustrations, heavy workloads

By Kay Lazar and John R. Ellement, Boston Globe, September 14, 2012

<http://www.bostonglobe.com/metro/2012/09/14/chemist-closed-state-lab-allegedly-tampered-with-evidence-bags-defense-attorneys-group-says/S26z5hS5sqP20RmX4qA0O/story.html>

- Internal e-mails from chemists and supervisors at a troubled state drug laboratory describe a staff drowning in work, instances of misplaced evidence in crime cases, and mounting frustrations over the Patrick administration's seeming indifference.
- "The situation in the evidence office is past the breaking point," reads a Sept. 11, 2008, e-mail to Julianne Nassif, director of analytical chemistry at the Jamaica Plain lab, from an employee whose name was blacked out by the source of the documents. The documents were obtained Friday by the Globe from a source with direct knowledge of the lab's operations.
- Nassif was fired Wednesday, and a top official at the lab resigned, in a widening scandal over mishandled drug samples in a lab run until July by the Department of Public Health. Officials fear that the mishandling may have affected thousands of cases over the past nine years, raising the specter of unwarranted convictions, errant deportations, and the wrongful taking of property.
- The 2008 e-mail describes one instance of drug samples mistakenly placed in an outgoing bin without being analyzed, and another in which staff spent hours looking for a sample that finally turned up in a different division's office.
- The e-mails repeatedly recount pleas from district attorneys to lab workers to expedite cases, amid a growing backlog estimated in a March 5, 2012 e-mail as being at least nine months long.
- In a Sept. 4, 2008, e-mail, Nassif writes to an unidentified lab employee that she understands the worker's frustration and

that she had scheduled a meeting with “the Commissioner” and “Undersecretary Grossman” later that month to discuss the issues. While Nassif did not use their full names, she is apparently referring to state Public Health Commissioner John Auerbach, whose agency ran the drug lab until State Police assumed control this summer, and former undersecretary of public safety John Grossman. What, if any, solutions were discussed in that meeting remains unclear, but an e-mail a few weeks later to Nassif from an employee warns that staff shortages and lack of space to store evidence had become “desperate.”

- “It is very discouraging,” the note concludes, “to watch the situation get worse month by month and hear of no plans to improve things.”
- Department of Public Health spokesman David Kibbe said in a statement Friday that it was clear that “lab management failed and that’s why we took the administrative actions we did this week,” referring to Nassif’s firing and the resignation of her boss. “The investigation has been turned over to State Police, and these e-mails are part of that investigation looking into what happened at the drug lab,” Kibbe said.
- Defense attorneys briefed by the Patrick administration on the lab scandal said that Dookhan, the chemist, allegedly ignored safeguards designed to ensure fair trials in drug cases and tampered with evidence in ways that may force dismissal of thousands of cases in Eastern Massachusetts.
- In a letter to members of the Massachusetts Association of Criminal Defense Attorneys, association president Max D. Stern said his group along with federal and state public defenders were given insights into why the State Police have notified prosecutors that 60,000 drug samples, representing 34,000 criminal cases, may now be tainted.
- “The lab analyst in question had unsupervised access to the drug safe and evidence room, and tampered with evidence bags, altered the actual weight of the drugs, did not calibrate machines correctly, and altered samples so that they would test as drugs when they were not,” Stern wrote.
- Terrel Harris, spokesman for the Executive Office of Public Safety and Security, confirmed that Dookhan had “unsupervised access to the evidence lockup.”
- Prosecutors in drug cases must be able to prove that substances seized by police are scientifically determined to be illicit drugs and have not been tampered with during the months, and often years, that pass between arrest and trial.
- Seized drugs were taken by police to the Jamaica Plain lab, where they were supposed to be kept in a safe and signed out by chemists for testing. Afterward, the drugs were shipped back to police departments.
- The impact of the scandal was highlighted Friday in Norfolk Superior Court, where Judge Mitchell Kaplan declined to rule on a request for freedom by David A. Danielli, who pleaded guilty this year to possessing 500 oxycodone pills. The evidence in Danielli’s case was tested in 2011 by Dookhan. Danielli’s case is among 90 Norfolk cases considered among the first wave of tainted prosecutions. The judge said his refusal was procedural and not based on the merits. He said Danielli, whose request for freedom has the support of Norfolk prosecutors, must go before the judge who accepted the guilty plea.
- Kaplan’s ruling disappointed Danielli, who was sent back to the Norfolk House of Correction to serve more of his three-year sentence. “It was heartbreaking to see him sitting there,” said his daughter, Kristen Danielli. “I believe my dad was put in a position where he felt he needed to make that decision [to plead guilty] for the benefit of his family.”
- Defense attorney John T. Martin said he would file papers in Suffolk Superior Court, where the judge who heard the case

now sits, and ask that jurist to quickly grant Danielli a hearing. Martin applauded Norfolk District Attorney Michael Morrissey's office for supporting the request.

- Dookhan worked in the lab from 2003 until her March resignation. As the State Police agency was assuming control of the lab in the summer, staff members there alerted police officials to concerns about Dookhan's work.
- On Thursday, top Patrick administration officials said that lab director Dr. Linda L. Han had resigned and Nassif had been fired. Disciplinary proceedings are underway against Dookhan's direct supervisor.
- Administration officials said Dookhan's supervisors missed obvious signs of problems. In 2004, for example, Dookhan processed 9,239 samples while her peers tested an average of only 2,938 samples.
- Executives at the lab discovered a problem with Dookhan in June 2011, but waited six months to tell their bosses at Department of Public Health headquarters. State officials have set up a "boiler room" of prosecutors, defense attorneys, court officials, and others to review the thousands of cases that might be affected.
- Norfolk prosecutors were joined by Plymouth and Suffolk prosecutors in asking that bail be cut or eliminated in cases in which they have confirmed that Dookhan had a role.
- Two cases handled by Suffolk District Attorney Daniel F. Conley's office illustrate the complexity. Conley asked this week that Edward Dancy's bail be cut from \$30,000 cash to personal recognizance on charges he sold drugs to an undercover Boston police officer in 2010. But Conley's office balked at cutting bail for Marcus Pixley, arrested on charges of selling drugs in the South End last year but also charged with resisting arrest. Pixley was previously convicted of rape and other charges, prosecutors said.
- "What happened at the Department of Public Health lab was a catastrophic failure and there's no simple, easy, or one-size-fits-all solution," Conley said in a statement. "If someone is held or convicted on tainted evidence, we won't hesitate to take every appropriate step to bring the case to light and correct the record. But if there are credible facts and evidence to support the legitimacy of an implicated case, we'll work just as hard to ensure that the defendant is held accountable."

**Archived:** Tuesday, March 12, 2019 10:26:51 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** RE: More on JP lab in Globe, Herald

**Sensitivity:** Normal

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thanks

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Monday, September 17, 2012 9:24 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** More on JP lab in Globe, Herald

## **Aftershocks intensify in Mass. drug lab scandal**

### **Authorities gird for upending of years of cases**

**By Mark Arsenault, Boston Globe, September 17, 2012**

<http://bostonglobe.com/metro/2012/09/16/police-chiefs-justice-system-brace-for-fallout-from-drug-lab-scandal/f44F8SnkLTQcHNXQBDWdVM/story.html>

- Massachusetts police chiefs, defense lawyers, and prosecutors are preparing for the fallout from evidence mishandling at a busy state drug laboratory, a scandal they say could put felons back on the streets, inundate courts, and damage public confidence in the justice system.
- Law enforcement officials are grappling with revelations that Annie Dookhan, for nine years a chemist at a state drug lab, may have contaminated drug evidence, mixed samples from unrelated cases, and manipulated drugs to increase weight, thus stiffening defendants' penalties.
- Dookhan is believed to have handled about 60,000 samples, potentially affecting 34,000 criminal cases.
- Legal specialists warn there may be more fallout to come: Immigrants convicted of drug charges may have already been deported. Property seized in drug cases may have already been sold off. And even jury selection in future drug trials could be affected.
- 'I'm just in fear that the perception and integrity of law enforcement has taken a good shot.'
- The head of the Chelsea Police Department, Brian Kyes, said: "As a police chief, I'm just in fear that the perception and integrity of law enforcement has taken a good shot."
- Attorney General Martha Coakley's office is conducting a criminal investigation into the possible contamination of drug samples at the now-closed Jamaica Plain lab, which, until July, was run by the state Department of Public Health.
- Prosecutors, defense lawyers, and court officials are reviewing thousands of cases that may have been affected.
- In Chelsea, the scandal has sent members of the drug enforcement unit digging into old cases and records. Chelsea Police relied on the Jamaica Plain lab to test drug evidence, and Dookhan's name appears on a lot of the test results, Kyes said. The chief estimated that hundreds of cases would be affected, and said the department will need several more weeks to complete its review.
- "We're also looking at what happened in these cases," Kyes said. "Was an individual convicted? If they were, what were they convicted of? Was it something specific to these drugs? We're really trying to be proactive to get an in-depth analysis of what we're looking at."
- Defense lawyer Lefteris K. Travayiakis, of West Roxbury, said the courts will probably be inundated with motions from lawyers seeking to reopen cases or appeals for convicted clients.
- "If the evidence has been tampered with — and we know some evidence has been — I would absolutely move to exclude it," he said. "It's going to create such a backlog in the system. It's going to drain resources from the state. It's really ridiculous how many cases this is going to affect."

- Even if the drug samples still exist for retesting, said Travayiakis, the defense will argue the evidence cannot be trusted.
- “If there is an indication that [Dookhan] mixed and matched from different samples, how do I know my sample wasn’t affected, even if they do retest it?” he said.
- All of the police departments that used the lab face the possibility that defendants convicted of serious drug offenses may be freed.
- “A lot of officers, quite frankly, risk their lives doing drug work, executing search warrants and so forth,” said Deputy Chief David Lizotte of the New Bedford Police Department. “To have a good case undone because of something that happened at the lab would be unfortunate.”
- New Bedford police relied heavily on the facility, he said, commonly dropping off 50 to 75 pieces of evidence every two weeks. As the investigation into the lab moves forward, New Bedford has stopped destroying drugs stored from old cases, so that the evidence would be available for new testing if the cases are reopened, he said.
- Arlington Police Chief Frederick Ryan, whose department used the Jamaica Plain lab until 2009, said such a blot on any part of the criminal justice system can hurt the work of officers on the street.

### **State lab breach could alter some federal sentences**

**By Erin Smith, Boston Herald, September 15, 2012**

[http://bostonherald.com/news/regional/view/20220915state\\_lab\\_breach\\_could\\_alter\\_some\\_federal\\_sentences/](http://bostonherald.com/news/regional/view/20220915state_lab_breach_could_alter_some_federal_sentences/)

- Federal prisoners locked away for drug crimes or other charges could see their sentences reduced or find the basis for appeals of their convictions as fallout from the state drug lab scandal widens.
- “If those state convictions are vacated, it may lead to lower sentences in federal court,” said federal public defender Miriam Conrad, who explained that a history of prior convictions — including drug cases in state courts — increases federal prison sentences. His office is reviewing 1,000 drug, gun and robbery cases that might be affected.
- The state drug lab scandal has already thrown at least a half a dozen Suffolk County cases into limbo, including charges against Marcus Pixley, a 51-year-old convicted rapist and armed robber with an 11-page rap sheet. On Wednesday, a judge slashed bail for Pixley — accused of selling drugs to an undercover cop — from \$5,000 to \$1,000.
- Middlesex prosecutors said several cases could be affected, including Thursday’s trial of suspected cocaine trafficker Salvatore Fazio, 54, of Wakefield.
- Chemist Annie Dookhan, who resigned in March, is accused of tampering with drug evidence in about 34,000 cases, including cases for Pixley and Fazio, at the Hinton State Laboratory Institute in Jamaica Plain.
- “Apparently, the lab analyst in question had unsupervised access to the drug safe and evidence room, and tampered with evidence bags, altered the actual weight of the drugs, did not calibrate machines correctly and altered samples so that they would test as drugs when they were not,” Max D. Stern, president of the Massachusetts Association of Criminal Defense Lawyers, wrote to members yesterday.
- Anthony Benedetti of the state’s public defender office said: “I don’t think anyone can say with 100 percent certainty that it is limited to Annie Dookhan. I think everyone at the lab and what they did in that lab is suspect.”
- Detectives are investigating the other 12 chemists at the lab on paid leave, said state police spokesman David Procopio.
- “The investigation is examining whether the malfeasance in the lab is confined to one chemist,” he said. “The evidence as of right now would suggest it is, but we’re not prepared to say that at this point.”



**Archived:** Tuesday, March 12, 2019 10:26:55 AM

**From:** Leone, Gerard (NOR)

**To:** Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US); Ryan, Marian (NOR); Walker, Jodi (NOR) (Jodi.Walker@MassMail.State.MA.US)

**Subject:** JP Lab CPCS Drug Lab & Non-Citizen Clients

**Sensitivity:** Normal

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**From:** Maguire, Tara (DAA)

**Sent:** Monday, September 17, 2012 4:36 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** CPCS Drug Lab & Non-Citizen Clients

To the DAs,

At DA Sullivan's request, below please find a CPCS email to all public defenders and bar advocates addressing the immigration cases that may be impacted by the drug convictions where the Hinton lab tested the evidence.

Thank you.

---

**From:** Sullivan, David (NWD)

**Sent:** Monday, September 17, 2012 11:57 AM

**To:** Maguire, Tara (DAA)

**Cc:** Early, Joseph (MID)

**Subject:** CPCS Drug Lab & Non-Citizen Clients

Tara: Please find a CPCS memo that gives the defense bar the heads up on all immigration cases that might be impacted by drug convictions from the Hinton Lab. Part of the universe of incarcerated defendants will need to include those under ICE detainers. Please forward along to fellow DAs. Thanks, Dave

----- Original Message -----

**Subject:**DPH Drug Lab and Non-Citizen Clients

**Date:**Fri, 14 Sep 2012 16:48:29 -0400 (EDT)

**From:**Emma Winger <[ewinger@publiccounsel.net](mailto:ewinger@publiccounsel.net)>

**To:**[attorneys@publiccounsel.net](mailto:attorneys@publiccounsel.net), [baradvocates@publiccounsel.net](mailto:baradvocates@publiccounsel.net), [cpcspd@yahoogroups.com](mailto:cpcspd@yahoogroups.com), [CPCSMurder@yahoogroups.com](mailto:CPCSMurder@yahoogroups.com), [CPCSBarAd@yahoogroups.com](mailto:CPCSBarAd@yahoogroups.com), [JuvenileDefenseNetwork@yahoogroups.com](mailto:JuvenileDefenseNetwork@yahoogroups.com), [Masscriminalappeals@yahoogroups.com](mailto:Masscriminalappeals@yahoogroups.com)

Colleagues,

As the situation with Annie Dookhan and the DPH drug lab has been unfolding, the Immigration Impact Unit has begun the process of assessing the impact of these tainted controlled substance convictions on our present and former non-citizen clients and considering how best to respond to the obvious and pressing problem. As you all know, controlled substance offenses are grounds of deportability and inadmissibility, and distribution convictions can lead to permanent exile.

The IIU has identified three classes of non-citizens impacted by these faulty convictions: (1) Those currently in criminal custody (either held on bail or serving a sentence) who are subject to an immigration detainer; (2) Those who are already in deportation proceedings based on these faulty convictions; (3) Those who have been deported based on the convictions.

We are in the process of figuring out how best to identify all impacted non-citizen clients and how to prevent deportations based on tainted convictions (and, potentially, to undue the injustice of deportation orders that have already been executed based solely on these convictions). We may ask you in the near future to provide information about your affected clients; however, to avoid duplication, please refrain for now from notifying us about these clients, unless they are already in immigration proceedings due to a drug conviction from the DPH drug lab. For those cases, please send an email to [iiu@publiccounsel.net](mailto:iiu@publiccounsel.net), with the subject line DPH DRUG LAB CASE, and include all the information necessary for an IIU intake. The intake form can be found at our website ([http://www.publiccounsel.net/practice\\_areas/immigration/immigration\\_index.html](http://www.publiccounsel.net/practice_areas/immigration/immigration_index.html)).

For attorneys with non-citizen clients who have immigration detainers and pending DPH drug lab cases, and who may be released on personal recognizance as a result of this scandal, you should advise your clients as follows: If the immigration detainers were issued for reasons unrelated to the drug cases, the clients will not be released to the street if bail is reduced to personal recognizance; they will be sent instead to ICE and likely held in immigration detention. You should discuss this with your clients before bail re-determinations are made.

Clients who are serving sentences for Dookhan convictions and who have detainers based only on those convictions will not be placed in immigration detention if the convictions are vacated.

We plan to provide more information and guidance regarding non-citizen clients in the near future.

Emma C. Winger  
Staff Attorney, Immigration Impact Unit  
Committee for Public Counsel Services  
21 McGrath Highway, 2nd floor  
Somerville, MA 02143  
Phone: [REDACTED]  
Fax: [REDACTED]

**Archived:** Tuesday, March 12, 2019 10:27:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Mahon, Patrick (NOR); Walker, Jodi (NOR); 'marian.ryan@state.ma.us'  
**Cc:** 'gerard.leone@state.ma.us'  
**Subject:** JP Lab MDAO Proposal/Budget - SDAO Template Attached  
**Sensitivity:** Normal

---

Agreed. Please build our Proposal/supplemental Budget Request around such an approach with an accompanying brief justification narrative.

----- Original Message -----

From: Mahon, Patrick (NOR)  
Sent: Monday, September 17, 2012 02:29 PM  
To: Walker, Jodi (NOR); Leone, Gerard (NOR); marian.Ryan@state.ma.us <marian.Ryan@state.ma.us>  
Subject: RE: MDAO Budget re: JP Lab Fixes (Due Wedn. 9/19); Suffolk Budget Template Attached

Jodi/Gerry/Marian

I agree with Jodi's assertion that setting up a separate MDAO team to investigate/litigate the JP Lab issue would be easier from a budgeting and actual cost tracking perspective. Having been part of several Forensic/Crisis management accounting teams I can also attest that a separate team does build up expertise and "feel" over a period of time.

My experience (and being a worry wart) on the accounting side, has also taught me that what you estimate these type of expenses pale in reality to what actually gets spent. I would advise that we budget very conservatively but I certainly understand if we choose to be more aggressive in our estimates.

Pat

-----Original Message-----

From: Walker, Jodi (NOR)  
Sent: Monday, September 17, 2012 2:17 PM  
To: Leone, Gerard (NOR); Mahon, Patrick (NOR); marian.Ryan@state.ma.us  
Subject: RE: MDAO Budget re: JP Lab Fixes (Due Wedn. 9/19); Suffolk Budget Template Attached

Hi all - I just spoke with Suffolk ADA John Towle. He explained that in creating his budget for Suffolk, he relied largely on feel, knowing that dealing with this issue was going to be an enormous amount of work for Suffolk and wanting to staff a separate team/unit to deal with the problems related to Annie Dookhan and the JP Lab. As Suffolk has a separate Narcotics Unit, he took the staff of that Unit, and budgeted for a smaller, separate JP Lab/Dookhan sub-Unit consisting of attorneys and non-attorneys, envisioning hiring additional SDAO employees on the SDAO payroll to deal with the issues. He relied very little on the MSP / EOPSS data to date, given that it is incomplete, tied only to Annie Dookhan (not the broader lab, which is an area of litigation that we are already seeing), and comes (very unhelpfully) in a unit of measurement of "samples / certifications" as opposed to cases and/or defendants, the language spoken by DAOs, DCs, and the Courts. So, I know that Suffolk quoted having 34% of the overall affected Dookhan samples, but I don't believe that percentage is in a meaningful way tied to the bottom line of Suffolk's budget.

For future discussion, obviously, but I do like the idea of a separate MDAO team assigned to investigate / litigate these Dookhan / JP Lab issues. It will create an expertise and efficiency. Budgeting for separate bodies also feels like an easier way to present an understandable budget, as opposed to percentage of time by current employees. (I defer to Pat on this last point.)

----- Original Message -----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

Sent: Monday, September 17, 2012 10:39 AM

To: Mahon, Patrick (NOR)

Cc: Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Michael.Pellgro@state.ma.us <Michael.Pellgro@state.ma.us>

Subject: MDAO Budget re: JP Lab Fixes (Due Wedn. 9/19); Suffolk Budget Template Attached

To follow-up on Gerry's email, attached is a sample Suffolk Budget re: the JP Lab.

Pat - Marian and I will call you shortly. Thanks.

**Archived:** Tuesday, March 12, 2019 10:27:02 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** RE: JP Lab: Dookhan reports, protective order and AGO affidavit  
**Sensitivity:** Normal

---

It's a different place to practice law.

Although their discovery seems much more stringent in ways, as the judges kick them around, its also much more loose for them in ways other than us. Where we basically have an open file policy - they do not. Their rules dictate that they need not give over wit statements until the wit is on the stand.

-----Original Message-----

From: OKeefe, Michael (CPI)  
Sent: Monday, September 17, 2012 4:39 PM  
To: Leone, Gerard (NOR)  
Subject: Re: JP Lab: Dookhan reports, protective order and AGO affidavit

I agree . From the meeting they seem very interested in protecting their cases.

Sent from my iPhone

On Sep 17, 2012, at 4:36 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> This looks good, thank you Tara.  
> However all, the USAO appears to be limiting their disclosures by way of this letter to cases where "AD's name appears on drug certs". That is likely way too confining for what it appears will need to be our discovery range.  
> Gerry  
>  
>  
> From: Maguire, Tara (DAA)  
> Sent: Monday, September 17, 2012 4:24 PM  
> To: DAA-DL-DA&EXEC.ASST  
> Subject: Dookhan reports, protective order and AGO affidavit  
>  
> To the DAs,  
>  
> Attached please find a letter agreement that the US Attorney's Office is using to get discovery out to defense counsel. To the extent it may be helpful, I wanted to pass it along.  
>  
> Thank you,  
> Tara  
>  
> From: Bedrosian, Ed (AGO)  
> Sent: Monday, September 17, 2012 1:20 PM  
> To: Maguire, Tara (DAA); Flanagan, Thomas (PLY)  
> Cc: Middleton, Frank (PLY); Cruz, Timothy (PLY); Verner, John (AGO)  
> Subject: RE: Dookhan reports, protective order and AGO affidavit  
>  
> Tara et al,  
>  
> We have spent the weekend finalizing the rest of the reports and sending them out to all the DAs

today. We will now turn our attention to finalizing the affidavit.

>

> I talked to Jack Pirozzolo at the US Attorney's office, they are using a letter agreement with some of their defenders to get them the Dookhan reports. Jack explains the benefit of the letter agreement is that it is agreed to and then filed in court and doesn't need judicial approval. He is sending me a copy. I don't know if anyone wants to consider this vehicle for protecting widespread dissemination. Jack also mentioned that they are redacting the unnecessary personal information in the reports.

>

> We may send one more version of our affidavit around for final comment and then finalize after that. If you want to see the US Attorney's letter agreement, let me know, I will check with Jack and make sure he is comfortable with me circulating it.

>

Thanks Ed.

>

>

>

>

> From: Maguire, Tara (DAA)

> Sent: Monday, September 17, 2012 12:53 PM

> To: Flanagan, Thomas (PLY)

> Cc: Middleton, Frank (PLY); Cruz, Timothy (PLY); Bedrosian, Ed (AGO); Verner, John (AGO)

> Subject: RE: Dookhan reports, protective order and AGO affidavit

>

> Hi Tom,

>

> I do not have the final affidavit. If I receive it, I will immediately forward it out to all the DAs, and copy you. However, the AGO may send it directly to the DAs.

>

> I am not aware of a uniform protective order, although it was very briefly discussed on the DA conference call this morning (without a resolution). I can query the DAs – would you want to spearhead the effort? You could circulate your draft for suggestions/approval by the other counties, so all DAs are using the same order. (It is not for the faint of heart, but I think it's a great idea! ) Please let me know your thoughts.

>

> Thanks,

> Tara

>

> From: Flanagan, Thomas (PLY)

> Sent: Monday, September 17, 2012 12:25 PM

> To: Maguire, Tara (DAA)

> Cc: Middleton, Frank (PLY); Cruz, Timothy (PLY); Bedrosian, Ed (AGO); Verner, John (AGO)

> Subject: Dookhan reports, protective order and AGO affidavit

>

> Tara,

>

> I am coordinating the Annie Dookhan case review in Plymouth County at the request of D.A. Cruz. We want to move forward with the provision of Dookhan discovery compliance promptly, but intend to do so under a protective order, with some redaction of personal information re Dookhan and her family.

>

> Are you in receipt of a final, signed affidavit from the A.G.'s office to attach to our motion for a protective order? Is there a uniform draft protective order in the works that you are aware of? If not I will draft one today for use in Plymouth County.

>

> Please advise at your earliest opportunity.

>

> Thanks,

>

> Tom Flanagan

>

> Thomas J. Flanagan, Jr.  
> Assistant District Attorney  
> Plymouth County District Attorney's Office  
> 32 Belmont Street  
> Brockton, MA 02301  
> Desk tel. [REDACTED]  
> Fax [REDACTED]  
>  
> <US Attorney's state lab confidentiality agreement.pdf>

**Archived:** Tuesday, March 12, 2019 10:27:03 AM  
**From:** Leone, Gerard (NOR)  
**To:** Mahon, Patrick (NOR)  
**Subject:** RE: JP Lab Stats  
**Sensitivity:** Normal

---

Ok, I'll call you later.

---

**From:** Mahon, Patrick (NOR)  
**Sent:** Monday, September 17, 2012 11:49 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP Lab Stats

I'm in a better frame of mind than I was Friday and we can talk during the week. Just hearing you whisper in my mind balance and perspective has calmed me down..... Whether I remain that way is the big question ☺. You can pick your friends but not your family..... See you in the office tomorrow.

So glad to hear you guys won, it counter balanced the Jets coming back to planet earth.....

I plan on making this week's game.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, September 17, 2012 11:41 AM  
**To:** Mahon, Patrick (NOR)  
**Subject:** RE: JP Lab Stats

Thanks

Did you want to talk today. I'm working from home because Wendy's car died and she needed a ride to the shop and a car to do things.

---

**From:** Mahon, Patrick (NOR)  
**Sent:** Monday, September 17, 2012 11:39 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP Lab Stats

I am compiling salary averages etc for the **Template** and will have it ready to do "plug ins" when Marian, Jodi and myself meet.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, September 17, 2012 11:35 AM  
**To:** Leone, Gerard (NOR); Mahon, Patrick (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** JP Lab Stats

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, September 17, 2012 11:33 AM  
**To:** OKeefe, Michael (CPI)  
**Cc:** DAA-DL-DA&EXEC.ASST; Maguire, Tara (DAA)  
**Subject:** RE: per our discussion

Mike,



Bearing in mind that the lists provided thus far appear to be imperfect, this is what we understand at this point. Dookhan handled/processed, in some way, 67,246 samples/certs during her tenure. Of those samples/certs, 22,677 or 34% were connected to Suffolk cases. Of those 22,677 Suffolk samples/certs, Dookan was the primary chemist on 14,736 and the secondary chemist on 7,941. Again, more than 1/3 or 34% of the samples/certs that Dookhan touched from 2003-2012 were connected to Suffolk cases.

DC

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Monday, September 17, 2012 11:23 AM  
**To:** Conley, Daniel (SUF)  
**Subject:** RE: per our discussion

Dan, how many certs do you have on your dph lists, not cases but certs?

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, September 17, 2012 11:14 AM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** FW: per our discussion

FYI-

As discussed in this morning's conference call.

DC

---

**From:** Towle, John (SUF)  
**Sent:** Thursday, September 13, 2012 10:05 AM  
**To:** OKeefe, Michael (CPI); Early, Joseph (MID)  
**Cc:** Maguire, Tara (DAA)  
**Subject:** per our discussion

Good morning,

I would propose the DA's would be effectively creating new units to deal with this issue and ensure that the existing work of the office continues. Attached is a rough budget draft for Suffolk alone, which could be scaled similarly for other offices depending on their input and needs.

John

**Archived:** Tuesday, March 12, 2019 10:27:09 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Mahon, Patrick (NOR); Ryan, Marian (NOR)  
**Subject:** Re: MDAO JP Lab Budget; update  
**Sensitivity:** Normal

---

Thanks!

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Monday, September 17, 2012 01:20 PM  
To: Leone, Gerard (NOR); Mahon, Patrick (NOR); Ryan, Marian (NOR)  
Subject: MDAO JP Lab Budget; update

1. I just spoke with Pat, and on his good suggestion, we will be preparing a "list of assumption" sheet to accompany MDAO's proposed budget, which will include details of the limitations of the MSP / EOPSS data that we have been provided to date (e.g., data we have is only limited to Annie Dookhan, as opposed to work of other JP Lab chemists or the JP Lab in its entirety; data is provided for the most part in terms of "samples / certifications", a unit of measurement that does not easily or obviously translate, without much DAO investigation, into cases or defendants, etc.)
2. I am awaiting word from John Towle as to what, if anything else, he based his Suffolk budget on, besides the Suffolk 34% of the impacted samples.
3. We expect to have all the MDAO data assembled and roughly counted by the end of the day today, to the extent that is a necessary consideration for the Wednesday budget.

---

From: Leone, Gerard (NOR)  
Sent: Monday, September 17, 2012 11:35 AM  
To: Leone, Gerard (NOR); Mahon, Patrick (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: JP Lab Stats

From: Conley, Daniel (SUF)  
Sent: Monday, September 17, 2012 11:33 AM  
To: OKeefe, Michael (CPI)  
Cc: DAA-DL-DA&EXEC.ASST; Maguire, Tara (DAA)  
Subject: RE: per our discussion

Mike,

Bearing in mind that the lists provided thus far appear to be imperfect, this is what we understand at this point. Dookhan handled/processed, in some way, 67,246 samples/certs during her tenure. Of those samples/certs, 22,677 or 34% were connected to Suffolk cases. Of those 22,677 Suffolk samples/certs, Dookhan was the primary chemist on 14,736 and the secondary chemist on 7,941. Again, more than 1/3 or 34% of the samples/certs that Dookhan touched from 2003-2012 were connected to Suffolk cases.

DC

From: OKeefe, Michael (CPI)  
Sent: Monday, September 17, 2012 11:23 AM  
To: Conley, Daniel (SUF)  
Subject: RE: per our discussion

Dan,how many certs do you have on your dph lists, not cases but certs?

From: Conley, Daniel (SUF)  
Sent: Monday, September 17, 2012 11:14 AM  
To: DAA-DL-DA&EXEC.ASST  
Cc: Towle, John (SUF); Maguire, Tara (DAA)  
Subject: FW: per our discussion

FYI-

As discussed in this morning's conference call.

DC

From: Towle, John (SUF)  
Sent: Thursday, September 13, 2012 10:05 AM  
To: OKeefe, Michael (CPI); Early, Joseph (MID)  
Cc: Maguire, Tara (DAA)  
Subject: per our discussion

Good morning,

I would propose the DA's would be effectively creating new units to deal with this issue and ensure that the existing work of the office continues. Attached is a rough budget draft for Suffolk alone, which could be scaled similarly for other offices depending on their input and needs.

John

**Archived:** Tuesday, March 12, 2019 10:27:20 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Re: [REDACTED]; Dookhan case/Q of Bail on for Tomorrow (9/18)

**Sensitivity:** Normal

---

We should be careful to say that "we are disclosing all that we receive in response to our written requests from the AGO, DPH and EOPSS".

----- Original Message -----

From: Walker, Jodi (NOR)

Sent: Monday, September 17, 2012 07:06 PM

To: Ryan, Marian (NOR)

Cc: Leone, Gerard (NOR)

Subject: Re: [REDACTED]; Dookhan case/Q of Bail on for Tomorrow (9/18)

Hi - I'd suggest that he put on the record that discovery will be coming with request for PO very soon.

Sent from my iPhone

On Sep 17, 2012, at 7:01 PM, "Ryan, Marian (NOR)" <Marian.Ryan@MassMail.State.MA.US> wrote:

> Sure

>

> ----- Original Message -----

> From: Leone, Gerard (NOR)

> Sent: Monday, September 17, 2012 07:00 PM

> To: Ryan, Marian (NOR); Walker, Jodi (NOR)

> Subject: Re: [REDACTED]; Dookhan case/Q of Bail on for Tomorrow (9/18)

>

> Bail only, for now. Ok?

>

> ----- Original Message -----

> From: Ryan, Marian (NOR)

> Sent: Monday, September 17, 2012 06:59 PM

> To: Leone, Gerard (NOR); Walker, Jodi (NOR)

> Subject: Re: [REDACTED]; Dookhan case/Q of Bail on for Tomorrow (9/18)

>

> Okay, thanks-I'll talk w Dave.

>

> ----- Original Message -----

> From: Leone, Gerard (NOR)

> Sent: Monday, September 17, 2012 06:00 PM

> To: Ryan, Marian (NOR); Walker, Jodi (NOR)

> Subject: Re: [REDACTED]; Dookhan case/Q of Bail on for Tomorrow (9/18)

>

> Don't ask for it or agree to it, but don't object, given the situation.

>

> ----- Original Message -----

> From: Ryan, Marian (NOR)

> Sent: Monday, September 17, 2012 05:43 PM

> To: Leone, Gerard (NOR); Walker, Jodi (NOR)

> Subject: Re: [REDACTED]; Dookhan case/Q of Bail on for Tomorrow (9/18)

>  
> Yes, likely -maybe a return to the original bail-he has done almost 6 months for the default-and has less incentive to default @ this point.

>  
> ----- Original Message -----  
> From: Leone, Gerard (NOR)  
> Sent: Monday, September 17, 2012 04:45 PM  
> To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
> Subject: RE: [REDACTED]; Dookhan case/Q of Bail on for Tomorrow (9/18)

>  
> What do you recommend?  
> With AD as the primary Chemist on both of his pending cases, is our present understanding that the likelihood is that the cases will be severely comprised, if no, NP'ed?

>  
>  
> -----Original Message-----  
> From: Ryan, Marian (NOR)  
> Sent: Monday, September 17, 2012 4:28 PM  
> To: Walker, Jodi (NOR); Leone, Gerard (NOR)  
> Subject: Re: [REDACTED] Dookhan case/Q of Bail on for Tomorrow (9/18)

>  
> For whatever consideration, D's present bail is based on his default---he was on bail he could make originally-

>  
> ----- Original Message -----  
> From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
> Sent: Monday, September 17, 2012 01:39 PM  
> To: Leone, Gerard (NOR)  
> Cc: Ryan, Marian (NOR)  
> Subject: [REDACTED] Dookhan case/Q of Bail on for Tomorrow (9/18)


>  
> Gerry - Dave Rubin has a Middlesex Superior Court case, [REDACTED], case on for a DC's request to reconsider bail and a MTS, tomorrow, 9/18/2012 at 2:00 p.m. Marian and I wanted to check in with you on how to proceed on the bail request and case overall, tomorrow. We are happy to talk to you about this tomorrow morning in person and to make a recommendation then or later today by email, if you'd like, but I wanted to lay it out for us all today.

>  
> I spoke with Dave recently, and he is standing by for input from Marian/I on bail and he is aware that we are working to finalize a protective order / affidavit / receive PRs in order to make a discovery production tomorrow or shortly in this case, in the event that this case proceeds.

>  
> Defendant is charged with 4 counts of drug charges only, PWI Subsequent x2 (Heroin) and Distribution Subsequent x2 (Cocaine) (consisting of hand-to-hand sales to UC on two occasions in 2009; per Dave, the MTS appears to be without merit.) Dookhan is the primary chemist for all the drugs in the case. There is no additional evidence of narcotics (e.g., no field testing, no admissions by defendant), but evidence of consciousness of guilt (e.g., false name, providing false RMV doc.). Defendant is facing a 5 yr. min/man on each count (or possibly now, 3 1/2 min/man under the new drug laws). The defendant had previously defaulted on this case on a 12/1/2010 COP date, where he was going to receive a BD to 2-2 1 day with probation from and after.

>  
> Defendant is currently being held on \$10K, a bail that was set when the defendant removed his default on our Middlesex case in April 2012. I've asked Dave to try and get clarity of whether DC is requesting a bail reduction to PR or to an amount D can post, to the extent that this latter figure is relevant.

>  
> As to Defendant's BOP, he is 33 yrs. old and has a 2 1/2 page BOP. (Most of that is the NPed underlying Malden D.Ct. case.) [REDACTED]



>  
> If you'd like, I can make a recommendation today by email, or orally in the AM.  
>  
> Thanks, Gerry.

**Archived:** Tuesday, March 12, 2019 10:27:36 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: Draft Protective Order for William A. Hinton Laboratory Investigation Reports  
**Sensitivity:** Normal

---

Not necessarily, that's another issue we can work through, but it is one way of unencumbering yourself and placing more on Mike/The FADA.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Tuesday, September 18, 2012 07:47 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Draft Protective Order for William A. Hinton Laboratory Investigation Reports

Pelgro is also on the FADA distribution list. I can take myself off if you think appropriate.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, September 18, 2012 07:44 PM  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: Draft Protective Order for William A. Hinton Laboratory Investigation Reports

Thanks.  
Did this come to you because you are on the FADA group email below?

---

**From:** Wechsler, Pamela (DAA) [mailto:pamela.wechsler@massmail.state.ma.us]  
**Sent:** Tuesday, September 18, 2012 07:40 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); 'mpelgro@pkjlaw.com' <mpelgro@pkjlaw.com>  
**Subject:** Fw: Draft Protective Order for William A. Hinton Laboratory Investigation Reports

---

**From:** Haggan, Patrick (SUF)  
**Sent:** Tuesday, September 18, 2012 07:38 PM  
**To:** DAA-DL-FIRST ADA; Flanagan, Thomas (PLY); Pappas, John (SUF)  
**Cc:** Maguire, Tara (DAA)  
**Subject:** Draft Protective Order for William A. Hinton Laboratory Investigation Reports

As you all know, the district attorneys are meeting tomorrow for an MDAA meeting and one of the topics on the agenda will be a uniform protective order to be used in disclosing the recently received investigative reports from the AG's Office. Attached is a draft motion, order and agreement for your review. The affidavit of AAG John Verner (that you all received) would be attached in support of the motion. The reports themselves would also be redacted to remove all addresses, dates of birth, phone numbers, and in Ms. Dookhan's case, the names of her child and husband. We have already created a PDF of all of the reports with these redactions which I can make available for anyone (if we can figure out how to do so—probably too big to be emailed).

I realize that many of you have drafted your own protective orders, including some that allowed dissemination of the reports to the defendants themselves. Our position is that only the attorneys should get access to the actual reports, but that they may obviously share the content with their clients without providing them with a copy. Our draft protective order motion is very short and to the point, essentially relying on the content of the Verner affidavit as support. We did not include an affidavit for the filing ADA (which I know Plymouth did). The other aspect for all of you

to consider as you review our draft is that it essentially mirrors the terms of the draft agreement letter proposed by the US Attorney's Office that was recently circulated. To the extent that we can, I think it makes sense for all of the prosecuting agencies to be on the same page on this disclosure and consistent/uniform in our approach.

Please weigh in if you have suggestions, edits, comments or concerns. Tara can present this draft (and others) for consideration of the district attorneys at tomorrow's meeting.

Thanks.

Pat



**Archived:** Tuesday, March 12, 2019 10:27:40 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** RE: HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS  
**Sensitivity:** Normal

---

This is why private sector scoffs at government.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 18, 2012 8:48 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** Re: HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

Just when you think that it can't get worse.....

---

**From:** Leone, Gerard (DAA) [<mailto:gerry.leone@massmail.state.ma.us>]  
**Sent:** Tuesday, September 18, 2012 06:57 PM  
**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

Typical - a lot of cooks stirring this pot.

---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Tuesday, September 18, 2012 05:09 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR) <[Marian.Ryan@state.ma.us](mailto:Marian.Ryan@state.ma.us)>  
**Subject:** HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

House launching their own invest:



HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

By Colleen Quinn  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 18, 2012...House lawmakers have launched their own investigation into what led to the failings at a now-shuttered state crime lab as officials try to determine the extent of alleged sample tampering by a former state chemist who handled more than 34,000 cases.

House Speaker Robert DeLeo told the News Service Tuesday that the House Post Audit and Oversight Committee has started investigating the unfolding crime lab crisis, which Suffolk County District Attorney Dan Conley has called a "catastrophic failure." DeLeo mentioned subpoenas, which the committee may issue, and said lawmakers have already asked witnesses to discuss what happened.

"The House Post Audit Committee, right now, is doing an investigation in terms of what had occurred, how it occurred," DeLeo said after attending an alcohol and substance abuse recovery celebration event at the State House where outgoing Department of Public Health Commissioner John Auerbach spoke.

DeLeo said House lawmakers are trying "to get to the bottom of this."

The House Post Audit Committee has the power to summon witnesses, administer oaths, take testimony, and compel the production of papers, documents and other evidence in connection with any investigation, according to the law establishing the committee. In any review or investigation, the committee is charged with reporting to the House with recommendations for legislative action based on their findings.

Rep. David Linsky (D-Natick), chairman of the Post Audit Committee and a former prosecutor, could not be reached for comment. He was celebrating Rosh Hashanah on Tuesday morning.

"We decided it was necessary for us as a House to do our own investigation," DeLeo said. "As I have told the administration, I stand ready as a House to do whatever we have to do to expedite this process, move it along and come to some type of conclusion as to what had occurred and how it happened, and who dropped the ball."

Gov. Deval Patrick ordered the William A. Hinton Laboratory shut down two weeks ago after State Police uncovered the actions of a chemist, Annie Dookhan, who State Police allege may have tampered with drugs cases going as far back as 2003. She resigned in March. Since the lab closed, state officials have been working with prosecutors, defense attorneys, the courts and the departments of probation and parole in an investigation and are planning to set up a central office to help navigate through the crisis.

At an unrelated event in Roxbury Tuesday, Gov. Deval Patrick said prosecutors and defense attorneys have agreed on an individual to lead the central office and he planned to meet with that person later today.

Patrick attributed the crime lab problems to a "rogue chemist" who he said had "not done her job and that's gone undetected for a long amount of time."

Patrick said he did not think the crime lab problems were a symptom of understaffing or overworked lab employees. "I'm glad it's being dealt with now," he said.

Health Commissioner Auerbach announced his planned resignation Monday in the wake of the mishandled crime lab evidence where as many as 60,000 drug samples, representing 34,000 cases, may have been allegedly compromised by the "malfeasance" of the chemist, according to State Police, who are investigating possible criminal charges. Auerbach is the highest-ranking official to resign or lose their job as a result of the crime lab investigation.

DeLeo called Auerbach's resignation "unfortunate." Auerbach, who released a statement about his resignation Monday, declined to comment further when asked by a News Service reporter after the recovery celebration event.

During the event held in Gardner Auditorium, Auerbach received a standing ovation and loud cheers from the hundreds of people gathered to mark September as national recovery month.

"In thinking of where I would want to be today, I can't think of any place I would want to be but here," Auerbach told the crowd.

Auerbach went on to praise the governor, who accepted his resignation Monday, saying he is "the best governor in the country on public health issues."

In his resignation statement released Monday afternoon, Auerbach accepted responsibility for the failed oversight of the lab, saying "the buck stops with me."

"It is clear that there was insufficient quality monitoring, reporting and investigation on the part of supervisors and managers surrounding the former Department of Public Health drug lab in Jamaica Plain - and ultimately, as Commissioner, the buck stops with me," Auerbach said in a statement.

Auerbach said he offered his resignation with "deep regret and a sense of responsibility to uphold the high ideals Governor Patrick demands," and plans to continue to work with investigators to "make sure we find answers." Auerbach first came to the Patrick administration in early 2007 after more than nine years as Boston public health commissioner under Mayor Thomas Menino. Auerbach has already accepted a position at Northeastern University and will start in November at the Bouve School of Health Sciences as director of the Urban Health Research Institute and a professor of practice.

Sen. John Keenan, co-chair of the Committee on Mental Health and Substance Abuse, said he was not aware of a similar investigation to the House Post Audit Committee taking place in the Senate. Keenan said, without knowing all the details of the crime lab investigation, he is satisfied so far with the reaction from the Patrick administration in setting up a "central office" to begin investigating the history of samples in question.

"It is going to be a long process to address it, a long process to figure out the scope," Keenan said.

[Andy Metzger contributed reporting]

END

9/18/2012

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**Archived:** Tuesday, March 12, 2019 10:27:49 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR)

**Cc:** Ryan, Marian (NOR); Mahon, Patrick (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

**Subject:** RE: Proposed Draft MDAO JP Lab Budget for MDAA

**Sensitivity:** Normal

---

Thanks all – a great starting point. We want to aim high, and know that we may need to ask for more.

---

**From:** Walker, Jodi (NOR)

**Sent:** Tuesday, September 18, 2012 5:39 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ryan, Marian (NOR); Mahon, Patrick (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

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MDAO – asks for case storage costs of \$4,700

Suffolk – asks for case storage costs of \$11,700

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As you said, we wanted to start very conservatively. We might benefit from comparing our asks to the other DAO's asks.

I am available by email and phone tonight and tomorrow to discuss this further.

Thanks –

jlw

*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

*(T)*

*(F)*

*[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)*

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**Archived:** Tuesday, March 12, 2019 10:27:52 AM

**From:** [Wechsler, Pamela \(DAA\)](#)

**Sent:** Wed, 19 Sep 2012 10:35:49

**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); 'mpelgro@pkjlaw.com'; Ellis, Sarah (NOR)

**Subject:** Fw: Draft Protective Order for William A. Hinton Laboratory Investigation Reports

**Sensitivity:** Normal

**Attachments:**

[DOOKHAN MOTION PROTECTIVE ORDER AG REPORTS.doc](#); [NFK PROTECTIVE ORDER.docx](#);

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**From:** Carroll, Jeanmarie (NFK)

**Sent:** Wednesday, September 19, 2012 10:29 AM

**To:** Haggan, Patrick (SUF); DAA-DL-FIRST ADA; Flanagan, Thomas (PLY); Pappas, John (SUF)

**Cc:** Maguire, Tara (DAA)

**Subject:** RE: Draft Protective Order for William A. Hinton Laboratory Investigation Reports

Thanks Pat.

Your motion is similar to the one that our appellate Chief had prepared and I forwarded yesterday. I like your exhibit A and we would probably use it. Our redactions are i.e., address, d.ob., phone numbers of all witnesses; private medical and family information; name of someone who was under suspicion at the lab in the 1980's. We have scanned a set of reports with these redactions. We were planning on preparing a uniform notice of discovery for our ADAs that will state what our redactions are.

Take care.

jeanmarie

---

**From:** Haggan, Patrick (SUF)

**Sent:** Tuesday, September 18, 2012 7:48 PM

**To:** DAA-DL-FIRST ADA; Flanagan, Thomas (PLY); Pappas, John (SUF)

**Cc:** Maguire, Tara (DAA)

**Subject:** RE: Draft Protective Order for William A. Hinton Laboratory Investigation Reports

[Corrected version of packet \(previous draft had numbering error in the Order\).](#)

---

**From:** Haggan, Patrick (SUF)

**Sent:** Tuesday, September 18, 2012 7:39 PM

**To:** DAA-DL-FIRST ADA; Flanagan, Thomas (PLY); Pappas, John (SUF)

**Cc:** Maguire, Tara (DAA)

**Subject:** Draft Protective Order for William A. Hinton Laboratory Investigation Reports

As you all know, the district attorneys are meeting tomorrow for an MDAA meeting and one of the topics on the agenda

will be a uniform protective order to be used in disclosing the recently received investigative reports from the AG's Office. Attached is a draft motion, order and agreement for your review. The affidavit of AAG John Verner (that you all received) would be attached in support of the motion. The reports themselves would also be redacted to remove all addresses, dates of birth, phone numbers, and in Ms. Dookhan's case, the names of her child and husband. We have already created a PDF of all of the reports with these redactions which I can make available for anyone (if we can figure out how to do so—probably too big to be emailed).

I realize that many of you have drafted your own protective orders, including some that allowed dissemination of the reports to the defendants themselves. Our position is that only the attorneys should get access to the actual reports, but that they may obviously share the content with their clients without providing them with a copy. Our draft protective order motion is very short and to the point, essentially relying on the content of the Verner affidavit as support. We did not include an affidavit for the filing ADA (which I know Plymouth did). The other aspect for all of you to consider as you review our draft is that it essentially mirrors the terms of the draft agreement letter proposed by the US Attorney's Office that was recently circulated. To the extent that we can, I think it makes sense for all of the prosecuting agencies to be on the same page on this disclosure and consistent/uniform in our approach.

Please weigh in if you have suggestions, edits, comments or concerns. Tara can present this draft (and others) for consideration of the district attorneys at tomorrow's meeting.

Thanks.

Pat

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

DOCKET #

**COMMONWEALTH**

**v.**

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**COMMONWEALTH'S MOTION FOR PROTECTIVE ORDER**

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Under Mass. R. Crim. P. 14(a)(6), the Commonwealth moves this Court to issue a protective order for the reports prepared by Massachusetts State Police Detective Lieutenant Robert M. Irwin, Commander-in-charge, Massachusetts State Police/Attorney General's Office Detective Unit and the reports prepared by other investigators regarding the ongoing criminal investigation described in the attached Affidavit of Assistant Attorney General John C. Verner. As dissemination of the reports would impact that investigation and the administration of justice, the protective order should: (1) restrict access to the reports to only defense counsel and only those persons employed by defense counsel who are directly involved in assisting defense counsel in the defense of this defendant provided that those person review the protective order and indicate in writing that they agree to be bound by it; (2) allow defense counsel to discussing the substance of the reports with the defendant but under no circumstances provide the defendant or any other person except those individuals described in (1) with copies of the reports; and (3) require that any motions filed by the defendant that contain information from the reports be impounded.

Respectfully submitted  
For the Commonwealth,

---

Assistant District Attorney

Date:



COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT

CRIMINAL NO  
\_\_\_\_\_

COMMONWEALTH

v.  
\_\_\_\_\_

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PROTECTIVE ORDER  
REGARDING INVESTIGATIVE REPORTS

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All reports provided by the Commonwealth in discovery that were prepared by Massachusetts State Police Detective Lieutenant Robert M. Irwin and other investigators regarding the ongoing criminal investigation described in the Affidavit of Assistant Attorney General John C. Verner are subject to the following order: (1) access to the reports is restricted solely to defense counsel and those persons employed by defense counsel who are directly involved in assisting defense counsel in the defense of this defendant provided those persons review the protective order and indicate in writing that they agree to be bound by it; (2) defense counsel may discuss the substance of the reports with the defendant but under no circumstances may defense counsel provide the defendant or any other person except those individuals described in (1) with copies of the reports; (3) any motion filed by defense counsel that contains information from the reports shall be impounded.

\_\_\_\_\_  
Associate Justice of the Superior Court

Date:

**Archived:** Tuesday, March 12, 2019 10:28:01 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR)

**Cc:** Ryan, Marian (NOR); Mahon, Patrick (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

**Subject:** RE: Proposed Draft MDAO JP Lab Budget for MDAA

**Sensitivity:** Normal

---

I went with the higher #

---

**From:** Walker, Jodi (NOR)

**Sent:** Tuesday, September 18, 2012 9:22 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ryan, Marian (NOR); Mahon, Patrick (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Proposed Draft MDAO JP Lab Budget for MDAA

320K for MDAO, if we relied (which we have not) ONLY on the number of MDAO affected samples (8000) relative to SDAO's number of affected samples (23,000) and SDAO's proposed budget number of 738K. (We have 40% less affected samples, so the argument would be we have 40% less money. Pat, this math right?)

I just included the 320K as a number that we may have to justify being higher than, which I think we can, especially bc SDAO barely relied on there affected sample number. Per Towle, their budget was created thru mostly "feel."

508K is a more meaningful starting point number for MDAO.

Sent from my iPhone

On Sep 18, 2012, at 9:04 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Why do you estimate \$320K for us, but the attachment has us at \$508,762 - ?

---

**From:** Walker, Jodi (NOR)

**Sent:** Tuesday, September 18, 2012 5:39 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ryan, Marian (NOR); Mahon, Patrick (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

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Thanks –

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*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

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*[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)*

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**Archived:** Tuesday, March 12, 2019 10:28:05 AM

**From:** Leone, Gerard (NOR)

**To:** Mahon, Patrick (NOR); Walker, Jodi (NOR)

**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Proposed Draft MDAO JP Lab Budget for MDAA

**Sensitivity:** Normal

---

Thanks, I'm good.

---

**From:** Mahon, Patrick (NOR)

**Sent:** Tuesday, September 18, 2012 09:53 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)

**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Proposed Draft MDAO JP Lab Budget for MDAA

The 320 k estimate was if we went solely on samples number MDAO vs Suffolk. Jodi list where we differ from Suffolk below and our/my rationale on Mgmt time. We can take you through via phone in the a.m. Pat

---

**From:** Leone, Gerard (NOR)

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**To:** Walker, Jodi (NOR)

**Cc:** Ryan, Marian (NOR); Mahon, Patrick (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Ramasci, Michelle (NOR)

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*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

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*[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)*

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**Archived:** Tuesday, March 12, 2019 10:28:12 AM

**From:** Guyotte, Stephanie (NOR)

**Sent:** Wed, 19 Sep 2012 16:12:43

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** FW: AUERBACH ELABORATES ON DRUG LAB PROBLEM, COAKLEY IN FACT-FIND MODE

**Sensitivity:** Normal

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## **AUERBACH ELABORATES ON DRUG LAB PROBLEM, COAKLEY IN FACT-FIND MODE**

**By Andy Metzger and Colleen Quinn, STATE HOUSE NEWS SERVICE**

BOSTON, SEPT. 19, 2012.....In retrospect there were warning signs, outgoing Department of Public Health Commissioner John Auerbach acknowledged Wednesday, but an investigation by his office failed to turn up the extent of problems at a drug lab used to process criminal evidence.

The state closed the Hinton lab in Jamaica Plain in late August, Auerbach resigned over the weekend, and Gov. Deval Patrick accepted his resignation Monday. Patrick and Auerbach attributed a breach in protocol, which has thrown 34,000 criminal cases into question, to the actions of a "rogue chemist," Annie Dookhan, who was placed on administrative leave in February and resigned in March. Hired in 2003, Dookhan has run tests on 60,000 pieces of drug evidence, and the validity of those tests has been called into question by the State Police, who investigated after taking over the lab.

Lab supervisors discovered in June 2011 that Dookhan had performed drug tests on 90 evidence samples without signing them out, and then added her initials and others' initials to the sign-out book after the fact. The supervisors removed Dookhan from full-time testing, though she continued to perform periodic testing, and did not inform DPH authorities until December, when a DPH investigation began.

"The information we had at the time that the investigation was conducted was that there was a single incident of wrongdoing and so the investigation that took place just looked at the events surrounding that one incident. No evidence arose to suggest that there were more widespread problems," Auerbach told reporters before a Public Health Council meeting on Wednesday morning. "Six months later the State Police also conducted an investigation and they found evidence."

He added, "In hindsight it does appear to us that there should have been warning signs in terms of the, for example, the volume of cases the chemist handled. But again at the time that hadn't been identified as an issue deserving more attention."

Attorney General Martha Coakley said Wednesday the focus her investigation right now is on fact-finding, trying to determine the extent of the cases that could be impacted by the alleged conduct of the chemist. Coakley is also looking at the "potential accountability" of the chemist, which could lead to criminal charges. She said at this point, her office does not believe there is anyone else involved with what State Police describe as "malfeasance" in tampering with drug evidence.

"We are trying to get the information and the facts that will let the district attorneys and others move forward in terms of getting through this," Coakley told the News Service after an event at Beverly High School about texting and driving.

Coakley said the attorney general office's is approaching the investigation "methodically."

"We have a process, it will take a while but we are going to be methodical about it. And the key fact here is that we want to make sure we get to the bottom of what happened in the lab and more importantly how does it affect cases that have already been decided by the criminal justice system," Coakley said.

Essex County District Attorney Jonathan Blodgett, who was also at the Beverly event, said his office has identified several thousand cases, possibly 8,000, that could be impacted by the crisis. Blodgett said he was waiting for the final report from the attorney general's office before discussing the implications, but he said, "This could have devastating consequences in terms of our criminal justice system."

Blodgett said he anticipates needing additional staff and attorneys to handle the workload that will come from unraveling the cases affected. "It is going to be on the governor to provide those resources," Blodgett said.

Coakley said in her conversations with the governor, he has pledged to provide her office with more resources if necessary. "At this



time the governor has said he will provide the resources we will need," she said. "We feel the commonwealth needs to and will provide the resources to get it done."

Auerbach said he felt "complete anger that the actions of single person could cause so much damage and harm." He dismissed the notion that budgetary cutbacks contributed to the breakdown in oversight.

"Everybody had to tighten their belt and budgets were reduced across the country, but reductions of budgets should never be an excuse for the lack of proper oversight and quality control management in critical operations like the forensic drug laboratory," Auerbach said.

Auerbach said that his decision to resign came "almost immediately" after he became aware that "there was a pattern of wrongdoing" at the lab. In November, Auerbach will become a professor at Northeastern University and the director of the Urban Health Research Institute.

In a statement that Auerbach read, he said he routinely accepted the praise for the "outstanding" work done by DPH and said he bears the ultimately responsibility for failures that occurred within his department.

"Therefore I think that it's only right that when the Department of Public Health's supervisors or staff make errors in judgment or lack of oversight, that I should assume some responsibility as well. And the ramifications of this situation are very significant as we all know."

"I accept absolutely no responsibility for the actions of a rogue chemist, but I do think that the Department of Public Health's managers erred in lacking proper oversight of the forensic drug laboratory and in the way the June 2011 incident was handled," Auerbach said.

Lab Bureau Chief Dr. Linda Han resigned last Wednesday and DPH Director of Analytical Chemistry Julie Nassif was fired for the ways they handled the alleged tampering case.

Asked about Auerbach's resignation on Tuesday, Lt. Gov. Tim Murray told reporters that "John has taken responsibility" and "the governor rightfully accepted the resignation."

"Over the course of being commissioner I visited the forensic drug lab two times. My impression of it was that the people who worked there worked hard and took their jobs seriously," Auerbach told reporters, mentioning that he had never met Dookhan.

Auerbach said he had no knowledge of the specific manner in which Dookhan violated protocols nor any knowledge of potential criminal charges. By the end of this week, Patrick will appoint the leader of a team effort charged with looking into unraveling how evidence Dookhan tested has affected those 34,000 criminal cases, according to Patrick's office.

- END -  
09/19/2012

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**Archived:** Tuesday, March 12, 2019 10:28:20 AM  
**From:** Guyotte, Stephanie (NOR)  
**Sent:** Wed, 19 Sep 2012 10:43:05  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** MWDN crime lab story  
**Sensitivity:** Normal

---

## **Linsky's committee investigating state crime lab**

**By Laura Krantz, The MetroWest Daily News, September 19, 2012**

<http://www.metrowestdailynews.com/news/x726714666/Linskys-committee-investigating-state-crime-lab#ixzz26vWTNnuO>

- BOSTON — State Rep. David Linsky will lead a House probe into the catastrophic failings at the Jamaica Plain crime lab, officials announced Tuesday.
- The House Post Audit and Oversight Committee, which the Natick Democrat chairs, has begun investigating what went wrong at the now-closed drug testing lab, Linsky said Tuesday.
- "It's my responsibility to look and see if there is a systemic problem in the crime lab," he said.
- The House Post-Audit Committee oversees development and implementation of audits, focusing on performance of state agencies.
- Linsky said the investigation "will go wherever the facts take us."
- While the committee cannot fire people, Linsky said it can make recommendations. He said the group might also propose new laws based on their findings.
- "Whatever we learn from this, we will make sure that going forward, whether it's the state police crime lab or the Department of Public Health lab, that it doesn't happen again," he said.
- State police closed the Hinton State Laboratory Institute two weeks ago after discovering that chemist Annie Dookhan may have tampered with as many as 60,000 pieces of evidence that could led to wrong convictions in 34,000 cases statewide.
- Linsky said the 11-member committee, vice-chaired by Rep. Benjamin Swan, D-Springfield, has already begun collecting data about the lab's system of checks and balances, which appear to have failed drastically. They also want information about record keeping, Linsky said.
- As the scandal unfolds, state prosecutors and defense attorneys across the state have begun combing through cases to find ones that may be undermined by Dookhan's tampering.
- Middlesex County may feel a lesser blow because it stopped using that lab in 2009, District Attorney Gerry Leone's office said. However, his staff is still looking for cases Dookhan could have marred.
- In the meantime, the state police crime lab in Sudbury is handling all testing, state police said.
- Attorney General Martha Coakley's office since July has been investigating the possibly criminal acts of Dookhan. She quit in March.
- Linsky said the House investigation is not meant to interfere with other investigations of the crime lab.
- Legislators want to know whether the problems were the result of one rogue employee "or whether or not there's a systemic operation issue that needs to be fixed," he said.
- The committee can summon witnesses, administer oaths, take testimony and compel production of documents and evidence connected with an investigation, according to state law.
- The committee will seek input from district attorneys, police, defense attorneys and courts, Linsky said.
- If people refuse to testify Linsky said they can be subpoenaed.
- In the wake of the crisis, Public Health Commissioner John Auerbach, whose agency oversaw the lab until it was transferred in July to state police, announced his planned resignation Monday, saying "the buck stops with me."

- Meanwhile state officials have set up a central office to help navigate the crisis. Gov. Deval Patrick Tuesday said prosecutors and defense attorneys have agreed on a person to lead the central office and that he planned to meet with that person later Tuesday.
- The Department of Correction and the Parole Board are also cross-referencing all inmates' drug cases since 2003 to determine if Dookhan was involved in testing, according to a spokesman for the Executive Office of Public Safety and Security.
- Patrick last week also called on the parole and youth services departments to help find tainted cases.
- Attorneys meanwhile say they are stalling on pending cases as they wait for more information.
- Newton attorney Randall Power Monday said last week he received a 60-day continuance for a drug trafficking case because Dookhan supervised the testing in that case.
- Locating and re-examining tainted cases will be extremely complicated and time-consuming, lawyers say, especially where a drug offense is only one of several crimes for which a person is serving time.
- Many people living legally in the United States could have been deported on erroneous convictions, attorneys say.
- Federal Defender Miriam Conrad Tuesday said she is also reviewing nearly 1,000 cases, some of which may be affected by the state lab scandal.

**Archived:** Tuesday, March 12, 2019 10:28:27 AM  
**From:** Leone, Gerard (NOR)  
**To:** Verner, John (AGO)  
**Subject:** Re: HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS  
**Sensitivity:** Normal

---

Martha just visited with we DAs and discussed. Thanks John.

---

**From:** Verner, John (AGO)  
**Sent:** Wednesday, September 19, 2012 12:43 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

A large part of our invest was done before this blew up (the 39 reports which you all have now). In addition, the necessary documents are secured (the notes/data/computer files). Even so, the invest would be easier without the house probe.

Hope all is good, let me know if you guys need anything on my end re: the lab.

John

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, September 19, 2012 6:26 AM  
**To:** Verner, John (AGO)  
**Subject:** Fw: HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

How does this complicate your investigation, with them "subpoena'ing information", etc.?

---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Tuesday, September 18, 2012 05:09 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR) <Marian.Ryan@state.ma.us>  
**Subject:** HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

House launching their own invest:



HOUSE COMMITTEE INVESTIGATING STATE CRIME LAB FAILINGS

By Colleen Quinn  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, SEPT. 18, 2012...House lawmakers have launched their own investigation into what led to the failings at a now-shuttered state crime lab as officials try to determine the extent of alleged sample tampering by a former state chemist who handled more than 34,000 cases.

House Speaker Robert DeLeo told the News Service Tuesday that the House Post Audit and Oversight Committee has started investigating the unfolding crime lab crisis, which Suffolk County District Attorney Dan Conley has called a "catastrophic failure." DeLeo mentioned subpoenas, which the committee may issue, and said lawmakers have already asked witnesses to discuss what happened.

"The House Post Audit Committee, right now, is doing an investigation in terms of what had occurred, how it occurred," DeLeo said after attending an alcohol and substance abuse recovery celebration event at the State House where outgoing Department of Public Health Commissioner John Auerbach spoke.

DeLeo said House lawmakers are trying "to get to the bottom of this."

The House Post Audit Committee has the power to summon witnesses, administer oaths, take testimony, and compel the production of papers, documents and other evidence in connection with any investigation, according to the law establishing the committee. In any review or investigation, the committee is charged with reporting to the House with recommendations for legislative action based on their findings.

Rep. David Linsky (D-Natick), chairman of the Post Audit Committee and a former prosecutor, could not be reached for comment. He was celebrating Rosh Hashanah on Tuesday morning.

"We decided it was necessary for us as a House to do our own investigation," DeLeo said. "As I have told the administration, I stand ready as a House to do whatever we have to do to expedite this process, move it along and come to some type of conclusion as to what had occurred and how it happened, and who dropped the ball."

Gov. Deval Patrick ordered the William A. Hinton Laboratory shut down two weeks ago after State Police uncovered the actions of a chemist, Annie Dookhan, who State Police allege may have tampered with drugs cases going as far back as 2003. She resigned in March. Since the lab closed, state officials have been working with prosecutors, defense attorneys, the courts and the departments of probation and parole in an investigation and are planning to set up a central office to help navigate through the crisis.

At an unrelated event in Roxbury Tuesday, Gov. Deval Patrick said prosecutors and defense attorneys have agreed on an individual to lead the central office and he planned to meet with that person later today.

Patrick attributed the crime lab problems to a "rogue chemist" who he said had "not done her job and that's gone undetected for a long amount of time."

Patrick said he did not think the crime lab problems were a symptom of understaffing or overworked lab employees. "I'm glad it's being dealt with now," he said.

Health Commissioner Auerbach announced his planned resignation Monday in the wake of the mishandled crime lab evidence where as many as 60,000 drug samples, representing 34,000 cases, may have been allegedly compromised by the "malfeasance" of the chemist, according to State Police, who are investigating possible criminal charges. Auerbach is the highest-ranking official to resign or lose their job as a result of the crime lab investigation.

DeLeo called Auerbach's resignation "unfortunate." Auerbach, who released a statement about his resignation Monday, declined to comment further when asked by a News Service reporter after the recovery celebration event.

During the event held in Gardner Auditorium, Auerbach received a standing ovation and loud cheers from the hundreds of people gathered to mark September as national recovery month.

"In thinking of where I would want to be today, I can't think of any place I would want to be but here," Auerbach told the crowd.

Auerbach went on to praise the governor, who accepted his resignation Monday, saying he is "the best governor in the country on public health issues."

In his resignation statement released Monday afternoon, Auerbach accepted responsibility for the failed oversight of the lab, saying "the buck stops with me."

"It is clear that there was insufficient quality monitoring, reporting and investigation on the part of supervisors and managers surrounding the former Department of Public Health drug lab in Jamaica Plain - and ultimately, as Commissioner, the buck stops with me," Auerbach said in a statement.

Auerbach said he offered his resignation with "deep regret and a sense of responsibility to uphold the high ideals Governor Patrick demands," and plans to continue to work with investigators to "make sure we find answers." Auerbach first came to the Patrick administration in early 2007 after more than nine years as Boston public health commissioner under Mayor Thomas Menino. Auerbach has already accepted a position at Northeastern University and will start in November at the Bouve School of Health Sciences as director of the Urban Health Research Institute and a professor of practice.

Sen. John Keenan, co-chair of the Committee on Mental Health and Substance Abuse, said he was not aware of a similar investigation to the House Post Audit Committee taking place in the Senate. Keenan said, without knowing all the details of the crime lab investigation, he is satisfied so far with the reaction from the Patrick administration in setting up a "central office" to begin

investigating the history of samples in question.

"It is going to be a long process to address it, a long process to figure out the scope," Keenan said.

[Andy Metzger contributed reporting]

END

9/18/2012

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**Archived:** Tuesday, March 12, 2019 10:28:33 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Lynch, Adrienne (NOR);  
bethany.stevens@state.ma.us

**Subject:** FW: Governor Deval Patrick picks former Suffolk homicide prosecutor David Meier to run Dookhan case reviews

**Sensitivity:** Normal

---

fyi



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Guyotte, Stephanie (NOR)

**Sent:** Thursday, September 20, 2012 11:17 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Governor Deval Patrick picks former Suffolk homicide prosecutor David Meier to run Dookhan case reviews

**Governor Deval Patrick picks former Suffolk homicide prosecutor David Meier to run Dookhan case reviews**

**By Michael Levenson and John R. Ellement, Boston Globe**

<http://www.boston.com/metrodesk/2012/09/20/governor-deval-patrick-picks-former-suffolk-homicide-prosecutor-david-meier-run-dookhan-case-reviews/Rxw3rcaocftalkPGdFvWYN/story.html>

Governor Deval Patrick announced that David Meier, a former Suffolk County homicide prosecutor now in private practice, will lead the central office setup to oversee a review of the thousands of criminal cases impacted by the scandal in the Department of Public Health drug lab.

"With his extensive experience on both sides of the bar and proven commitment to the fair administration of justice in the Commonwealth, David Meier is the perfect person to undertake this critical task," Patrick said in a statement.

"The central office will serve as the clearinghouse for all information so that we can fully understand the universe of cases we're dealing with and see that justice is done," Patrick said, using a more formal description of what was originally dubbed the "boiler room" by officials.

Annie Dookhan, a chemist who worked at the lab for nine years, allegedly mishandled drug evidence used in criminal cases by altering the weight of drugs, not calibrating machines correctly, and manipulating samples to test as drugs when they were not.

Dookhan may have handled 60,000 drug samples, in 34,000 cases, and some or all of the evidence may be tainted, State Police have told prosecutors.

Stephanie Chelf Guyotte  
Deputy Director of Communications  
Office of Middlesex District Attorney Gerry Leone

**Press line:** [REDACTED]

**Office line:** [REDACTED]

**Cell phone:** [REDACTED]

**Archived:** Tuesday, March 12, 2019 10:28:41 AM

**From:** Leone, Gerard (NOR)

**To:** Blodgett, Jonathan (EAS)

**Subject:** Re: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated

**Sensitivity:** Normal

---

Oh yes, I didn't miss that!

----- Original Message -----

From: Blodgett, Jonathan (EAS)

Sent: Wednesday, September 19, 2012 06:44 PM

To: Leone, Gerard (NOR)

Subject: Re: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated

Yes. I know before this is over I am going to call them both out. Did you hear what I said to MM @ last conference call when he had the balls to say we need protective orders to keep defense counsel from releasing reports & my retort was that I was more concerned with a DA releasing confidential information.

Sent from my iPhone

On Sep 19, 2012, at 18:41, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Tiring.

>

>

> ----- Original Message -----

> From: Blodgett, Jonathan (EAS)

> Sent: Wednesday, September 19, 2012 06:40 PM

> To: Leone, Gerard (NOR)

> Subject: Re: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated

>

> Because they are both blowhards. Dangerous.

>

> Sent from my iPhone

>

> On Sep 19, 2012, at 18:39, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> Dually noted, but doesn't keep them from talking.

>>

>> ----- Original Message -----

>> From: Blodgett, Jonathan (EAS)

>> Sent: Wednesday, September 19, 2012 06:38 PM

>> To: Leone, Gerard (NOR)

>> Subject: Re: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated

>>

>> Be wary of his buddy Sullivan. Both are hacks & have no idea about the criminal justice system.

>>

>> Sent from my iPhone

>>

>> On Sep 19, 2012, at 18:35, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>>

>>> An island

>>>



>>> ----- Original Message -----  
>>> From: Blodgett, Jonathan (EAS)  
>>> Sent: Wednesday, September 19, 2012 06:33 PM  
>>> To: Leone, Gerard (NOR)  
>>> Cc: OKeefe, Michael (CPI)  
>>> Subject: Re: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated  
>>>  
>>> No he did not. Then, again, he spent the entire meeting texting. Great that Harry Spence had to see him  
across the table texting the entire time he was speaking.  
>>>  
>>> Sent from my iPhone  
>>>  
>>> On Sep 19, 2012, at 18:21, "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us> wrote:  
>>>  
>>>> Did he mention this today?  
>>>>  
>>>> ----- Original Message -----  
>>>> From: Maguire, Tara (DAA)  
>>>> Sent: Wednesday, September 19, 2012 06:20 PM  
>>>> To: Leone, Gerard (NOR)  
>>>> Subject: RE: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated  
>>>>  
>>>> HA! That's the best thing I've heard all day! Thanks for the article.  
>>>>  
>>>> -----Original Message-----  
>>>> From: Leone, Gerard (NOR)  
>>>> Sent: Wednesday, September 19, 2012 6:15 PM  
>>>> To: Maguire, Tara (DAA)  
>>>> Subject: Re: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated  
>>>>  
>>>> No, but I confess, I'm not always listening intently when he talks :)  
>>>>  
>>>> ----- Original Message -----  
>>>> From: Maguire, Tara (DAA)  
>>>> Sent: Wednesday, September 19, 2012 06:10 PM  
>>>> To: Leone, Gerard (NOR)  
>>>> Subject: RE: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated  
>>>>  
>>>> I stepped out of the room briefly in today's meeting. Do you recall if DA Morrissey mentioned this case?  
>>>>  
>>>>  
>>>> -----Original Message-----  
>>>> From: Leone, Gerard (NOR)  
>>>> Sent: Wednesday, September 19, 2012 6:06 PM  
>>>> To: Maguire, Tara (DAA)  
>>>> Subject: Fw: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated  
>>>>  
>>>> Fyi Tara  
>>>>  
>>>> ----- Original Message -----  
>>>> From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
>>>> Sent: Wednesday, September 19, 2012 06:02 PM  
>>>> To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
>>>> Cc: Guyotte, Stephanie (NOR)  
>>>> Subject: Globe Article Tonight; Norfolk Sup. Ct. D Conviction Vacated  
>>>>  
>>>>

>>>> NB - it is a pill case (oxy)

>>>>

>>>> Norfolk DAO supported vacating the conviction.

>>>>

>>>> \*\*\*\*\*

>>>> Convicted drug dealer to be released, as state drug lab scandal fallout continues E-mail | Print |  
Comments (13) 09/19/2012 5:42 PM

>>>> 33 3

>>>>

>>>> 212

>>>> E-mail

>>>> By John R. Ellement, Kay Lazar and Martin Finucane, Globe Staff

>>>>

>>>> In what may be the first of a wave of such actions, a Superior Court judge today vacated the conviction of a drug dealer, ordering him to be released 2 1/2 years early from prison, because of questions raised about the handling of the evidence in his case.

>>>>

>>>> David Danielli will be released because the person who tested the 500 suspected Oxycodone pills he allegedly possessed was Annie Dookhan, a chemist at the state drug testing lab in Jamaica Plain. Dookhan's alleged mishandling of drug evidence at the lab in Jamaica Plain may have jeopardized thousands of drug cases, officials have said.

>>>>

>>>> Danielli's attorney, John T. Martin, said that Judge Paul Troy "made the decision many future judges are going to make on many future cases. That's the way it's going to be."

>>>>

>>>> Norfolk District Attorney Michael Morrissey's office supported Danielli's bid for release.

>>>>

>>>> "The Danielli matter is not the end of the fallout from the problems at the DPH [Department of Public Health] drug lab," Morrissey's office said in a statement. "The Constitution demanded that we join defense counsel in seeking this defendant's release while we reassess and reexamine the evidence and the case against him. We will work with defense counsel on this case and on other cases as long as it takes to fulfill the protections of the United States Constitution."

>>>>

>>>> Martin said Danielli would be brought to Norfolk Superior Court in Dedham Thursday afternoon where he will be freed from custody.

>>>>

>>>> Martin said in a telephone interview that the judge concluded that the tainted evidence undermined Danielli's guilty plea and that he should be returned to the legal status of someone who is accused of a crime, not convicted of a crime.

>>>>

>>>> "The case is not over; it's like a reset," Martin said. "The case is now back to exactly where he had been, had he never been in jail." But, he added, the seized pills are now so tainted, Danielli's freedom may become permanent.

>>>>

>>>> Prosecutors have gone into court previously and asked that pretrial detainees be freed on personal recognizance if Dookhan handled the evidence in their cases. But the Danielli case appeared to be one of the first where a person who was convicted and serving a prison sentence was freed.

>>>>

>>>> Dookhan, a chemist who worked at the lab for nine years, allegedly mishandled drug evidence used in criminal cases by altering the weight of drugs, not calibrating machines correctly, and manipulating samples to test as drugs when they were not.

>>>>

>>>> Dookhan may have handled 60,000 drug samples, in 34,000 cases, and some or all of the evidence may be tainted, State Police have told prosecutors.

>>>>

>>>> The scandal at the lab broke in late August. Law enforcement officials immediately said they wanted to take steps to ensure that no one had been wrongly convicted because of the mishandling of evidence.

>>>>

>>>> Also today, John Auerbach, who said Monday he would resign as the state's public health chief because of the scandal, said he was "furious" about what happened at the lab, which was overseen by his department until the State Police took it over in July.

>>>>

>>>> He said he felt "complete anger that the actions of a single person caused so much damage and harm."

>>>>

>>>> In comments this morning before a meeting of the state Public Health Council, he said, "I accept no responsibility for the actions of a rogue chemist," but at the same time he said that ultimately the responsibility was his.

>>>>

>>>> The Globe has reported that internal e-mails from chemists and supervisors at the lab described a staff drowning in work, instances of misplaced evidence, and mounting frustration over the Patrick administration's seeming indifference.

>>>>

>>>> Auerbach said, "The last five years the state of the economy has affected everybody. Everybody has had to tighten their belt. ... Budgets were reduced."

>>>>

>>>> But reductions "should never be an excuse" for lack of oversight, said Auerbach.

>>>>

>>>> Auerbach, who has been in his job for 5 1/2 years, has been a popular fixture in public health agencies for more than two decades. He is expected to stay in his post a few more weeks. He has accepted a post as the director of Northeastern University's Urban Health Research Institute; he will also be a professor there.

**Archived:** Tuesday, March 12, 2019 10:28:45 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR)

**Cc:** 'jodi.walker@state.ma.us'; 'gerard.leone@state.ma.us'; Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

**Subject:** Re: JP

**Sensitivity:** Normal

---

I just talked to the ICE SAC. He will assign someone, likely Lincoln Jalelian who is there now, to be our POC. Also, he mentioned that ATF will have a lot of issues too, so he will talk to their SAC about a similar approach with us.

----- Original Message -----

From: Ryan, Marian (NOR)

Sent: Thursday, September 20, 2012 07:16 AM

To: Leone, Gerard (NOR)

Subject: Re: JP

Agreed, b/c I expect more to pop up-

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Thursday, September 20, 2012 07:11 AM

To: Ryan, Marian (NOR)

Cc: Walker, Jodi (NOR)

Subject: Re: JP

If ICE, I should call SAC who is a friend of mine and get coordinated around these types of matters and get a POC for us.

----- Original Message -----

From: Ryan, Marian (NOR)

Sent: Thursday, September 20, 2012 07:07 AM

To: Leone, Gerard (NOR)

Cc: Walker, Jodi (NOR)

Subject: JP

Just an fyi of situations which will present themselves in the near future-

We have 2 defendants who have a deportation order in effect and are awaiting imminent deportation-one is a legal resident and the other has been a green card holder since 1978-there sole reason for deportation-according to their attorneys- is an Annie Dookhan based conviction--

I have spoken w AG's office-they are contemplating what, if anything, they might do-

Obviously we need a bit of time to confirm facts and then decide what-if anything-to do-

I will start the tracking for file, etc. today-I have good info re one D and am awaiting more re the other-

**Archived:** Tuesday, March 12, 2019 10:28:46 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** Re: JP  
**Sensitivity:** Normal

---

Two issues  
Immigration separate and separate standards.  
Which Agency? ICE?

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Thursday, September 20, 2012 07:07 AM  
To: Leone, Gerard (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: JP

Just an fyi of situations which will present themselves in the near future-  
We have 2 defendants who have a deportation order in effect and are awaiting imminent deportation-one is a legal resident and the other has been a green card holder since 1978-there sole reason for deportation- according to their attorneys- is an Annie Dookhan based conviction--  
I have spoken w AG's office-they are contemplating what, if anything, they might do-  
Obviously we need a bit of time to confirm facts and then decide what-if anything-to do-  
I will start the tracking for file, etc. today-I have good info re one D and am awaiting more re the other-

**Archived:** Tuesday, March 12, 2019 10:28:48 AM  
**From:** Guyotte, Stephanie (NOR)  
**Sent:** Fri, 21 Sep 2012 09:26:36  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Herald: Lab scandal sees doubling of caseload  
**Sensitivity:** Normal

---

## **Lab scandal sees doubling of caseload**

**By Matt Stout, Boston Herald, September 21, 2012**

[http://bostonherald.com/news/regional/view/20220921lab\\_scandal\\_sees\\_doubling\\_of\\_caseload/srv=news&position=also](http://bostonherald.com/news/regional/view/20220921lab_scandal_sees_doubling_of_caseload/srv=news&position=also)

- A state police crime lab asked to carry the weight of a now-shuttered Jamaica Plain facility has watched its drug caseload more than double in mere weeks, according to state officials, who expect the pressure of churning out thousands of samples to escalate once Gov. Deval Patrick's new "war room" identifies more tainted cases in the ever-widening drug lab scandal.
- Chemists at the crime lab in Sudbury — accustomed to handling 6,000 cases annually — had 8,000 more cases dropped into their laps after the Hinton State Laboratory closed last month amid a probe into the alleged mishandling of evidence, said state police spokesman David Procopio.
- The new responsibility will eventually add another 8,000 cases a year, Procopio said — numbers union chief Joe Dorant said don't even begin to detail the actual amount of samples they'll have to test and possibly re-test as part of the evidence crisis.
- "It was 13,000 in May and it was climbing," Dorant, president of the union representing state chemists, said of the backlogged samples at Hinton. "I can't imagine what it is today. I'm sure it's enormous.
- "Definitely it's going to be a burden on the lab," he added. "We heard that even from the state police."
- As of yesterday, the Sudbury lab had retested samples in 10 cases identified by district attorneys as affected by the scandal, Procopio said. That number will grow after the creation of a "war room" — headed by former prosecutor David Meier — that will identify which of the 34,000 cases handled by chemist Annie Dookhan have been jeopardized.
- Also, Attorney General Martha Coakley's office, which is working with state police to determine whether Dookhan did anything criminal, said it is probing the entire drug analysis unit at the Hinton Lab to determine if "any failures at the laboratory impacted the reliability of the results on cases beyond those handled directly" by Dookhan.
- As the number of cases grows, Procopio said, the lab will prioritize retests that the "war room" deems necessary, with a long-term plan of hiring and training more chemists. How many is unclear, but Procopio said it could exceed the 12 chemists from the Hinton Lab that remain on paid administrative leave while authorities investigate.
- "We are going to seek additional resources and the governor has pledged those to us," Procopio said. "We are confident that the skill and dedication of our chemists and supervisors will carry the day in the short term."

**Archived:** Tuesday, March 12, 2019 10:28:51 AM

**From:** Leone, Gerard (NOR)

**To:** Maguire, Tara (DAA)

**Bcc:** 'Meier, David'; Leone, Gerard (NOR); 'marian.ryan@state.ma.us'; 'jodi.walker@state.ma.us'

**Subject:** J.P. Lab MWDN: The mess in the state crime lab

**Sensitivity:** Normal

---

FYI Tara, i know youlike to see what th pres is saying about these matters.

The MWDN is one of our larger Msex papers other than the Globe and Herald, and covers our Framingham and West Middlesex areas.

Note the part about David Meier's appointment below. It is a wrong characterization of David's charter.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Monday, September 24, 2012 9:13 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** MWDN: The mess in the state crime lab

**Editorial: The mess in the state crime lab**

**MetroWest Daily News September 23, 2012**

<http://www.metrowestdailynews.com/opinions/editorials/x422896414/Editorial-The-mess-in-the-state-crime-lab#ixzz27ONpl1lx>

- The scandal in the state crime lab may test our ability to impose anywhere near the punishment on whoever's responsible that the damage demands.
- State officials say thousands of criminal convictions may be jeopardized by evidence tampering they blame on a "rogue chemist" employed at a state laboratory in Jamaica Plain. If that many cases have been compromised, or if officials can't separate cases involving tampering from those that didn't, the cost of civil judgments from those who can claim they were wrongfully convicted, not to mention the potential cost of crimes committed subsequently by inmates freed on a technicality, could be enormous.
- But it's way too early to assess the damage, let alone judge the appropriateness of the punishment.
- There's already been too much speculation about Annie Dookhan of Franklin, the chemist said to be at the center of the scandal. Dookhan was suspended in February and resigned in March, but has yet to be charged with anything. We don't know what her motivation was, or if others at the lab were involved.
- While the assumption seems to be that Dookhan manipulated reports to help prosecutors attain guilty verdicts, further investigation may find the mishandling of evidence resulted in unjustified acquittals. In cases like that, there is no legal remedy, since retrying a case is constitutionally prohibited.
- We should be skeptical of attempts to pin all the blame on a single person before all the facts are known and the questions answered. Even if it turns out just one employee knowingly tampered with evidence, there must be accountability for others who should have known what was going on, should have created systems to catch mistakes or should have responded more quickly

to signs there might be a problem.

- How far up the chain of command should such accountability extend? The Jamaica Plain lab was, until recently, when it was placed under the state police, run by the Department of Public Health. It was in a distant corner of the DPH organizational chart, and no one expects the Commissioner of Public Health to personally look over the shoulders of every chemist. Still, DPH Commissioner Jon Auerbach appropriately resigned this week, confessing there were warning signs of trouble at the lab he should have heeded.
- Should the blame go higher? It depends on who knew what about problems in the lab and who should have known.
- Attorney General Martha Coakley's office is investigating, and leaders of the Legislature have announced their own probe. Thursday, Gov. Deval Patrick former prosecutor David Meier to conduct a separate investigation into the scandal. The investigators' must not only fix the blame for evidence tampering, they must weigh each of up to 60,000 cases involving lab analysis to determine which evidence was compromised, and whether that breach requires another look by the courts.
- Getting the answers and repairing the damage to individual cases – not to mention the reputations of state officials – will take time and require patience on all sides



**Archived:** Tuesday, March 12, 2019 10:29:00 AM

**From:** Leone, Gerard (NOR)

**To:** Leone, Gerard (NOR)

**Subject:** J.P. Lab Working Office: Governor Deval Patrick picks former Suffolk homicide prosecutor David Meier to run Dookhan case reviews

**Sensitivity:** Normal

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Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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**From:** Guyotte, Stephanie (NOR)

**Sent:** Thursday, September 20, 2012 11:17 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Governor Deval Patrick picks former Suffolk homicide prosecutor David Meier to run Dookhan case reviews

**Governor Deval Patrick picks former Suffolk homicide prosecutor David Meier to run Dookhan case reviews**

**By Michael Levenson and John R. Ellement, Boston Globe**

<http://www.boston.com/metrodesk/2012/09/20/governor-deval-patrick-picks-former-suffolk-homicide-prosecutor-david-meier-run-dookhan-case-reviews/Rxw3rcaocftalkPGdFvWYN/story.html>

Governor Deval Patrick announced that David Meier, a former Suffolk County homicide prosecutor now in private practice, will lead the central office setup to oversee a review of the thousands of criminal cases impacted by the scandal in the Department of Public Health drug lab.

"With his extensive experience on both sides of the bar and proven commitment to the fair administration of justice in the Commonwealth, David Meier is the perfect person to undertake this critical task," Patrick said in a statement.

"The central office will serve as the clearinghouse for all information so that we can fully understand the universe of cases we're dealing with and see that justice is done," Patrick said, using a more formal description of what was originally dubbed the "boiler room" by officials.

Annie Dookhan, a chemist who worked at the lab for nine years, allegedly mishandled drug evidence used in criminal cases by altering the weight of drugs, not calibrating machines correctly, and manipulating samples to test as drugs when they were not.

Dookhan may have handled 60,000 drug samples, in 34,000 cases, and some or all of the evidence may be tainted, State Police have told prosecutors.

Stephanie Chelf Guyotte  
Deputy Director of Communications  
Office of Middlesex District Attorney Gerry Leone

**Press line:** [REDACTED]

**Office line:** [REDACTED]

**Cell phone:** [REDACTED]

**Archived:** Tuesday, March 12, 2019 10:29:04 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Cc:** 'gerard.leone@state.ma.us'

**Subject:** JP lab in globe today

**Sensitivity:** Normal

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I agree with Conley.

We are trying to amass, and are awaiting the information about the nature, scope and extent of the Lab's issues to determine broader approach to these cases, while making case by case decisions in real time.

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Sunday, September 23, 2012 10:28 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** JP lab in globe today

JP Lab in today's Globe. Have we had any defendant's released because of Dookhan? I expect I may get calls today as a result of this story. Thanks!

--Stephanie

**Drug defendants freed in lab scandal**

**By Andrea Estes and Scott Allen, Boston Globe, September 23, 2012**

<http://bostonglobe.com/metro/2012/09/22/dozen-suffolk-county-drug-defendants-set-free-burgeoning-state-lab-scandal/JL7tXAkteb27SR3QLjud00/story.html>

- Suffolk County judges have freed at least 11 defendants facing drug charges, almost all with lengthy criminal records, since early September, in the first wave of potentially thousands of cases that have been gravely compromised by the burgeoning scandal at the state drug lab.
- All the defendants were in jail awaiting trial on charges related to selling cocaine, heroin, or other drugs, but judges agreed to release them or drastically reduce their bail because evidence in their cases was analyzed by Annie Dookhan, the state chemist accused of altering test results and mishandling evidence. Charges against the defendants were not dropped, but defense attorneys say it is unlikely their clients can ever be convicted, based on evidence that could be tainted.
- "We have an obligation to protect every defendant's constitutional rights, and we embrace it," Suffolk District Attorney Daniel F. Conley said. "But we can't lose sight of the massive public safety implications here. A large number of dangerous individuals could be released right back to our streets and neighborhoods."
- Some of the prisoners who could soon be released include "high-level dealers, violent felons, and armed gunmen," Conley said.
- A Suffolk County drug defendant who had already pleaded guilty, David Huffman, will ask a judge Monday to set him free because of Dookhan's involvement. In Norfolk Superior Court in Dedham, judges have already agreed to similar requests by two men serving time on drug charges, including David Danielli, who went free this week, 2½ years early, on charges related to selling oxycodone pills.
- The releases begin as Attorney General Martha Coakley launches an investigation into whether the problems with the now-closed state lab, which was run by the Department of Public Health in Jamaica Plain, go beyond the alleged mishandling of up to 60,000 drug samples by Dookhan. Standard practice required that two chemists sign off on each analysis, raising questions about whether any of her co-workers failed to catch the errors or botched their own testing, said a source with direct knowledge of the lab's operation.
- "This is one of the largest criminal [problems] in the history of the Commonwealth," said Norfolk District Attorney Michael W. Morrissey. "It will shake the entire foundation of the system. We're faced with very difficult and complex decisions on thousands of cases. Our focus is on people who are wrongfully incarcerated, though I'm not suggesting they are not guilty. If you can't use the evidence, a lot of the cases are going to be toast."
- Prosecutors and defense attorneys alike say that it is not yet clear how many cases may have been compromised and whether Dookhan's mere signature on lab results will require the analysis to be thrown out. But sorting the issues out on a case-by-case basis, they say, will be time-consuming and potentially expensive.
- "We're giving each case and each defendant the attention they deserve, but with tens of thousands of samples potentially compromised, that approach won't be sustainable for long," Conley said. "That's half our annual caseload."
- Dookhan resigned in March as state officials moved to fire her amid allegations that she had improperly removed drug evidence from the storage area. But in July, State Police investigators discovered that Dookhan's potential misconduct was far greater than previously believed and that she may have deliberately altered the weight of drug samples and purposely mishandled samples for reasons that are still unclear.
- The state lab has been closed since August, and a lab supervisor has been fired while Public Health Commissioner John Auerbach and a second lab supervisor have resigned over the failure of supervision. A third lab official, Dookhan's direct supervisor, is facing civil service disciplinary proceedings. Dookhan, who has not been charged with anything yet, has not responded to repeated requests for comment.
- But Dookhan's alleged misconduct has cast a pall over thousands of drug convictions and pending drug trials across Eastern Massachusetts, especially in Boston. Nearly 23,000 of the 60,000 drug samples that Dookhan helped analyze were in Suffolk County.
- In addition, a spokeswoman for US Attorney Carmen M. Ortiz said her office also sent samples to the Boston lab for testing and has begun a case-by-case review to determine whether Dookhan undermined those cases.
- On Friday, Governor Deval Patrick named a former Suffolk County prosecutor, David Meier, to lead a team of law enforcement officials and defense lawyers scouring cases to determine which must be reopened.
- Meanwhile, state prosecutors are looking into what role, if any, other chemists in the DPH lab may have had in mishandling evidence. Previously, public health officials had branded Dookhan as a "rogue" chemist acting alone.
- "The question is whether the problem is not Annie Dookhan, but a lab problem," said Bernard Grossberg, who represents Huffman, a convicted drug dealer now in prison.
- Huffman, 55, who has a 19-page record dating to 1975, pleaded guilty to trafficking in cocaine and heroin, unlawful possession of a firearm, and other charges and was sentenced to seven to 10 years, until the Dookhan allegations surfaced later in August. On Monday, Grossberg will ask a judge to release Huffman and put off sentencing while the drug lab investigation continues. It is unlikely that the convictions will survive, Grossberg said.

- "He was elated," Grossberg said. "He doesn't want to get his hopes up until he gets to court. But she contaminated the drugs. It's not a situation where the drugs can be retested."
- Grossberg said whether Huffman or any of his other clients are guilty of the crime is not the point. "We're not talking about guilty," he said. "It's whether or not the Commonwealth can prove its allegations. I'm getting calls from clients I haven't spoken to in years. It's a mess."
- Attorney Susan Rayburn said that her client, Juan Irene, 51, should have been released months ago when prosecutors first realized that Dookhan had potentially mishandled evidence in a large number of drug cases. Irene, who has been in jail for months awaiting trial on charges of selling heroin to an undercover officer, was not released until Sept. 6, when an assistant district attorney made the request in light of Dookhan's role in analyzing the drug evidence against Irene.
- "I don't think it's right to wait until the media got a hold of the issue in August and then act like you're so concerned" about defendants' rights, said Rayburn, who added that she was referring to senior prosecutors. "For months, we were fed little bits of information, always with an eye to minimizing" the misconduct by Dookhan, Rayburn said.
- Although her client still technically faces drug charges, Rayburn doubts the case can come to trial.
- "We can't put evidence before the jury that we are unsure of," she explained. "We cannot put evidence before the court that has her name on it."
- Marcus Pixley was freed, over the objection of the Suffolk district attorney, after his \$5,000 bail was reduced to \$1,000 on Sept. 12. Pixley, 51, was arrested on charges of selling crack to an undercover officer and resisting arrest on Feb. 27, 2011. He has a long criminal record that includes convictions for selling cocaine, rape, and other charges and was deemed a habitual offender.
- Pixley's lawyer, Veronica White, said Pixley had been held for 13 months with severe medical problems on a case built on tainted evidence.
- "When the government puts someone in an 8-by-7-foot cell and tells them when they will sleep and eat and wake up, it's the most intrusive thing you can do to somebody," said White, adding that she will also fight to clear other clients whose cases also hinged on drugs tested by Dookhan.
- "All of these cases that come out of that lab are presumptively tainted," she said. "You can't limit everything to Annie Dookhan. There are other people who should be held accountable."
- With many more defendants expected to ask to be set free, Conley said the court system has to come up with a comprehensive approach. Otherwise, the disputed caseload could become overwhelming.
- "We're going to need the resources to assign full-time personnel to assess each defendant's conviction or bail status and make a fully informed decision on how to proceed," Conley said.

**Archived:** Tuesday, March 12, 2019 10:29:23 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** RE: CW v. [REDACTED] - trial 9/25  
**Sensitivity:** Normal

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Thanks

No Np's w/o prior approval. Court can wear it if they decide to do over our objections.

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**From:** Ryan, Marian (NOR)  
**Sent:** Monday, September 24, 2012 9:07 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** Fw: CW v. [REDACTED] - trial 9/25

Another AD case where D counsel may move for dismissal-I have been emailing w Lila this afternoon and she knows not to file a nol pros to ask for time since D counsel can only be basing the motion on media accounts at this point, to indicate that we will be providing additional discovery, the D should be required to make a proper showing and we are entitled to time to respond. She also knows to object to a dismissal -I am trading messages w her right now to get some more info re the case-

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**From:** Palmer, Lila (NOR)  
**Sent:** Monday, September 24, 2012 02:29 PM  
**To:** Ryan, Marian (NOR)  
**Cc:** Stanton, Courtney (NOR)  
**Subject:** CW v. [REDACTED] - trial 9/25

Hi Marian,

I just left you a voice mail about this. You spoke with Danielle Stice about this case on Friday – it is a drug case where the chemist was Annie Dookhan, and we had originally intended on proceeding with a substitute chemist. We are planning on seeking a continuance tomorrow, although I expect defense counsel will be seeking a straight dismissal which will argue against. I just wanted to confirm with you – if Judge Flynn is inclined to grant the dismissal, should we be filing a nolle pros on the case or allow it to be dismissed?

Thanks! I am leaving the office shortly but my cell phone is [REDACTED]. I will try you on your cell as well.

Best,

Lila

**Archived:** Tuesday, March 12, 2019 10:29:25 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Subject:** RE: J.P. Lab MWDN: The mess in the state crime lab  
**Sensitivity:** Normal

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that's great. David said he would cover it with them today too.  
thanks



Gerard T. Leone, Jr. | Middlesex District Attorney  
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**From:** Maguire, Tara (DAA)  
**Sent:** Monday, September 24, 2012 12:26 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: J.P. Lab MWDN: The mess in the state crime lab

Thank you, DA Leone. I will mention the mischaracterization to the DAs today, so that when given the opportunity, DAs can clarify with media outlets that David is leading the effort to collect the necessary information, not leading an investigation.

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Note the part about David Meier's appointment below. It is a wrong characterization of David's charter.



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**From:** Guyotte, Stephanie (NOR)  
**Sent:** Monday, September 24, 2012 9:13 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** MWDN: The mess in the state crime lab

**Editorial:** The mess in the state crime lab

**MetroWest Daily News September 23, 2012**

<http://www.metrowestdailynews.com/opinions/editorials/x422896414/Editorial-The-mess-in-the-state-crime-lab#ixzz27ONpI1lx>

- The scandal in the state crime lab may test our ability to impose anywhere near the punishment on whoever's responsible that the damage demands.
- State officials say thousands of criminal convictions may be jeopardized by evidence tampering they blame on a "rogue chemist" employed at a state laboratory in Jamaica Plain. If that many cases have been compromised, or if officials can't separate cases involving tampering from those that didn't, the cost of civil judgments from those who can claim they were wrongfully convicted, not to mention the potential cost of crimes committed subsequently by inmates freed on a technicality, could be enormous.
- But it's way too early to assess the damage, let alone judge the appropriateness of the punishment.
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- Should the blame go higher? It depends on who knew what about problems in the lab and who should have known.
- Attorney General Martha Coakley's office is investigating, and leaders of the Legislature have announced their own probe. Thursday, Gov. Deval Patrick former prosecutor David Meier to conduct a separate investigation into the scandal. The investigators' must not only fix the blame for evidence tampering, they must weigh each of up to 60,000 cases involving lab analysis to determine which evidence was compromised, and whether that breach requires another look by the courts.
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**Archived:** Tuesday, March 12, 2019 10:29:35 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Subject:** Re: J.P. Lab MWDN: The mess in the state crime lab  
**Sensitivity:** Normal

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Agreed! Thanks

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**From:** Maguire, Tara (DAA)  
**Sent:** Monday, September 24, 2012 07:03 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: J.P. Lab MWDN: The mess in the state crime lab

I am still missing several counties. The DAs mentioned it today in the meeting, so I will send a gentle reminder to those who have not sent in their budgets. We do not want to be late for this one!

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**From:** Leone, Gerard (NOR)  
**Sent:** Monday, September 24, 2012 12:40 PM  
**To:** Maguire, Tara (DAA)  
**Subject:** RE: J.P. Lab MWDN: The mess in the state crime lab

How are we coming with the DAs submitting their JP Lab proposed budgets so that we can cobble together a collective ask?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:29:39 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'Meier, David'  
**Subject:** RE: J.P. Lab MWDN: The mess in the state crime lab  
**Sensitivity:** Normal

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great.



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**From:** Meier, David [mailto:dmeier@toddweld.com]  
**Sent:** Monday, September 24, 2012 10:58 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: J.P. Lab MWDN: The mess in the state crime lab

Thanks. Totally wrong, as usual. I will straighten it out with the DA's as needed.

---

**From:** Leone, Gerard (DAA) [mailto:gerry.leone@massmail.state.ma.us]  
**Sent:** Monday, September 24, 2012 10:53 AM  
**To:** Maguire, Tara (DAA)  
**Subject:** J.P. Lab MWDN: The mess in the state crime lab

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**Subject:** MWDN: The mess in the state crime lab

**Editorial: The mess in the state crime lab**  
**MetroWest Daily News September 23, 2012**

<http://www.metrowestdailynews.com/opinions/editorials/x422896414/Editorial-The-mess-in-the-state-crime-lab#ixzz27ONp11x>

- The scandal in the state crime lab may test our ability to impose anywhere near the punishment on whoever's responsible that the damage demands.
- State officials say thousands of criminal convictions may be jeopardized by evidence tampering they blame on a "rogue chemist" employed at a state laboratory in Jamaica Plain. If that many cases have been compromised, or if officials can't separate cases involving tampering from those that didn't, the cost of civil judgments from those who can claim they were wrongfully convicted, not to mention the potential cost of crimes committed subsequently by inmates freed on a technicality, could be enormous.
- But it's way too early to assess the damage, let alone judge the appropriateness of the punishment.
- There's already been too much speculation about Annie Dookhan of Franklin, the chemist said to be at the center of the scandal. Dookhan was suspended in February and resigned in March, but has yet to be charged with anything. We don't know what her motivation was, or if others at the lab were involved.
- While the assumption seems to be that Dookhan manipulated reports to help prosecutors attain guilty verdicts, further investigation may find the mishandling of evidence resulted in unjustified acquittals. In cases like that, there is no legal remedy, since retrying a case is constitutionally prohibited.
- We should be skeptical of attempts to pin all the blame on a single person before all the facts are known and the questions answered. Even if it turns out just one employee knowingly tampered with evidence, there must be accountability for others who should have known what was going on, should have created systems to catch mistakes or should have responded more quickly to signs there might be a problem.
- How far up the chain of command should such accountability extend? The Jamaica Plain lab was, until recently, when it was placed under the state police, run by the Department of Public Health. It was in a distant corner of the DPH organizational chart, and no one expects the Commissioner of Public Health to personally look over the shoulders of every chemist. Still, DPH Commissioner Jon Auerbach appropriately resigned this week, confessing there were warning signs of trouble at the lab he should have heeded.
- Should the blame go higher? It depends on who knew what about problems in the lab and who should have known.
- **Attorney General Martha Coakley's office is investigating, and leaders of the Legislature have announced their own probe. Thursday, Gov. Deval Patrick former prosecutor David Meier to conduct a separate investigation into the scandal. The investigators' must not only fix the blame for evidence tampering, they must weigh each of up to 60,000 cases involving lab analysis to determine which evidence was compromised, and whether that breach requires another look by the courts.**
- Getting the answers and repairing the damage to individual cases – not to mention the reputations of state officials – will take time and require patience on all sides

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**Archived:** Tuesday, March 12, 2019 10:29:45 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Stevens, Bethany (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Sahakian, James (NOR)

**Subject:** RE: JP lab in globe today

**Sensitivity:** Normal

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thanks Jodi and Bethany.



Gerard T. Leone, Jr. | Middlesex District Attorney  
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**From:** Walker, Jodi (NOR)

**Sent:** Monday, September 24, 2012 9:29 AM

**To:** Stevens, Bethany (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Leone, Gerard (NOR); Sahakian, James (NOR)

**Subject:** FW: JP lab in globe today

Morning all – I've spoken with Bethany this am, and she is kindly going to assign somebody to flesh out the legal issue raised below, namely, what, if any, options the C/W has in the face of a defense argument and/or judicial indication to dismiss a case without prejudice over the C/W's objection. Thanks, Bethany.

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**From:** Ryan, Marian (NOR)

**Sent:** Sunday, September 23, 2012 3:06 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR)

**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'; Sahakian, James (NOR); Stevens, Bethany (NOR)

**Subject:** Re: JP lab in globe today

Agreed-so far every other court has been amenable to our request for time, but we will be ready-

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**From:** Leone, Gerard (NOR)

**Sent:** Sunday, September 23, 2012 01:21 PM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR)

**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>; Sahakian, James (NOR); Stevens, Bethany (NOR)

**Subject:** Re: JP lab in globe today

Catalog it with JP MDAO case info, but not really a JP issue, as much as the agreeably unacceptable amt of time the case has taken.

We do not want this "refiling/reindicting solution" to become a way for Judges to clear their dockets and seemingly appease our interests though. That will just cause us another step in our assessment and determination process and lead to our having to expend more resources on those cases that we find to be able to be prosecuted.

We have to adamantly push for CJS patience with the process of info providing and gathering, as this JP Lab problem is not of our doing and we are doing the best we can.

Frankly if I were a Judge, I'd try and do a Dismissal W/O Prejudice approach to every JP Lab case on my docket, leaving the burden on the Executive to decide whether to prosecute and refile/recharge/reindict.

We should be ready with the law re: our options in these "Judicial dismissal over our objection" circumstances and a possible template opposition motion if we start to encounter this.

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**From:** Ryan, Marian (NOR)  
**Sent:** Sunday, September 23, 2012 12:33 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** Re: JP lab in globe today

Dismissed w/o prejudice and Judge specifically gave us leave to refile once we have made a determination about the affect of the JP situation. Our understanding is that it happened at the sidebar.  
This was a 5 year old Cambridge DCt. SZ case where the D was on the street-we have been gathering more information for you and had planned to talk about it tomorrow.  
Seemed out of character for Judge Hogan and Judge had a lobby and sidebar where she was more frustrated re the age of the case (which was in part due to co-D's -who was severed-case going to trial first and some issues w D's attorney.)  
She did not even require D to file to file his JP motion, nor was she prepared to give us time to respond or to provide additional discovery to D. She appears not to have even entertained the JP issue-heard only that it might add time to this case.  
We spent Friday getting a copy of the motion which D was prepared to file because we wanted to see what he was relying on and alleging as it pertained to his case. Megan got that to us on Friday afternoon, we talked with her to confirm what happened and get context for the case and planned to talk about it tomorrow.  
A bit different than the other cases which have come up, but our apologies for not raising it earlier.

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**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, September 23, 2012 10:42 AM  
**To:** Ryan, Marian (NOR); Guyotte, Stephanie (NOR); Walker, Jodi (NOR)  
**Subject:** Re: JP lab in globe today

Dismissed?  
Over our objection?  
How did that happen without my knowing?

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**From:** Ryan, Marian (NOR)  
**Sent:** Sunday, September 23, 2012 10:40 AM  
**To:** Guyotte, Stephanie (NOR); Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** Re: JP lab in globe today

We had one case dismissed on Thursday b/c of JP lab issues and the age of the case-that D was on bail-

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**From:** Guyotte, Stephanie (NOR)  
**Sent:** Sunday, September 23, 2012 10:28 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** JP lab in globe today

JP Lab in today's Globe. Have we had any defendant's released because of Dookhan? I expect I may get calls today as a result of this story. Thanks!  
--Stephanie

### **Drug defendants freed in lab scandal**

**By Andrea Estes and Scott Allen, Boston Globe, September 23, 2012**

<http://bostonglobe.com/metro/2012/09/22/dozen-suffolk-county-drug-defendants-set-free-burgeoning-state-lab->

- Suffolk County judges have freed at least 11 defendants facing drug charges, almost all with lengthy criminal records, since early September, in the first wave of potentially thousands of cases that have been gravely compromised by the burgeoning scandal at the state drug lab.
- All the defendants were in jail awaiting trial on charges related to selling cocaine, heroin, or other drugs, but judges agreed to release them or drastically reduce their bail because evidence in their cases was analyzed by Annie Dookhan, the state chemist accused of altering test results and mishandling evidence. Charges against the defendants were not dropped, but defense attorneys say it is unlikely their clients can ever be convicted, based on evidence that could be tainted.
- "We have an obligation to protect every defendant's constitutional rights, and we embrace it," Suffolk District Attorney Daniel F. Conley said. "But we can't lose sight of the massive public safety implications here. A large number of dangerous individuals could be released right back to our streets and neighborhoods."
- Some of the prisoners who could soon be released include "high-level dealers, violent felons, and armed gunmen," Conley said.
- A Suffolk County drug defendant who had already pleaded guilty, David Huffman, will ask a judge Monday to set him free because of Dookhan's involvement. In Norfolk Superior Court in Dedham, judges have already agreed to similar requests by two men serving time on drug charges, including David Danielli, who went free this week, 2½ years early, on charges related to selling oxycodone pills.
- The releases begin as Attorney General Martha Coakley launches an investigation into whether the problems with the now-closed state lab, which was run by the Department of Public Health in Jamaica Plain, go beyond the alleged mishandling of up to 60,000 drug samples by Dookhan. Standard practice required that two chemists sign off on each analysis, raising questions about whether any of her co-workers failed to catch the errors or botched their own testing, said a source with direct knowledge of the lab's operation.
- "This is one of the largest criminal [problems] in the history of the Commonwealth," said Norfolk District Attorney Michael W. Morrissey. "It will shake the entire foundation of the system. We're faced with very difficult and complex decisions on thousands of cases. Our focus is on people who are wrongfully incarcerated, though I'm not suggesting they are not guilty. If you can't use the evidence, a lot of the cases are going to be toast."
- Prosecutors and defense attorneys alike say that it is not yet clear how many cases may have been compromised and whether Dookhan's mere signature on lab results will require the analysis to be thrown out. But sorting the issues out on a case-by-case basis, they say, will be time-consuming and potentially expensive.
- "We're giving each case and each defendant the attention they deserve, but with tens of thousands of samples potentially compromised, that approach won't be sustainable for long," Conley said. "That's half our annual caseload."
- Dookhan resigned in March as state officials moved to fire her amid allegations that she had improperly removed drug evidence from the storage area. But in July, State Police investigators discovered that Dookhan's potential misconduct was far greater than previously believed and that she may have deliberately altered the weight of drug samples and purposely mishandled samples for reasons that are still unclear.
- The state lab has been closed since August, and a lab supervisor has been fired while Public Health Commissioner John Auerbach and a second lab supervisor have resigned over the failure of supervision. A third lab official, Dookhan's direct supervisor, is facing civil service disciplinary proceedings. Dookhan, who has not been charged with anything yet, has not responded to repeated requests for comment.
- But Dookhan's alleged misconduct has cast a pall over thousands of drug convictions and pending drug trials across Eastern Massachusetts, especially in Boston. Nearly 23,000 of the 60,000 drug samples that Dookhan helped analyze were in Suffolk County.
- In addition, a spokeswoman for US Attorney Carmen M. Ortiz said her office also sent samples to the Boston lab for testing and has begun a case-by-case review to determine whether Dookhan undermined those cases.
- On Friday, Governor Deval Patrick named a former Suffolk County prosecutor, David Meier, to lead a team of law enforcement officials and defense lawyers scouring cases to determine which must be reopened.
- Meanwhile, state prosecutors are looking into what role, if any, other chemists in the DPH lab may have had in mishandling evidence. Previously, public health officials had branded Dookhan as a "rogue" chemist acting alone.

- "The question is whether the problem is not Annie Dookhan, but a lab problem," said Bernard Grossberg, who represents Huffman, a convicted drug dealer now in prison.
- Huffman, 55, who has a 19-page record dating to 1975, pleaded guilty to trafficking in cocaine and heroin, unlawful possession of a firearm, and other charges and was sentenced to seven to 10 years, until the Dookhan allegations surfaced later in August. On Monday, Grossberg will ask a judge to release Huffman and put off sentencing while the drug lab investigation continues. It is unlikely that the convictions will survive, Grossberg said.
- "He was elated," Grossberg said. "He doesn't want to get his hopes up until he gets to court. But she contaminated the drugs. It's not a situation where the drugs can be retested."
- Grossberg said whether Huffman or any of his other clients are guilty of the crime is not the point. "We're not talking about guilty," he said. "It's whether or not the Commonwealth can prove its allegations. I'm getting calls from clients I haven't spoken to in years. It's a mess."
- Attorney Susan Rayburn said that her client, Juan Irene, 51, should have been released months ago when prosecutors first realized that Dookhan had potentially mishandled evidence in a large number of drug cases. Irene, who has been in jail for months awaiting trial on charges of selling heroin to an undercover officer, was not released until Sept. 6, when an assistant district attorney made the request in light of Dookhan's role in analyzing the drug evidence against Irene.
- "I don't think it's right to wait until the media got a hold of the issue in August and then act like you're so concerned" about defendants' rights, said Rayburn, who added that she was referring to senior prosecutors. "For months, we were fed little bits of information, always with an eye to minimizing" the misconduct by Dookhan, Rayburn said.
- Although her client still technically faces drug charges, Rayburn doubts the case can come to trial.
- "We can't put evidence before the jury that we are unsure of," she explained. "We cannot put evidence before the court that has her name on it."
- Marcus Pixley was freed, over the objection of the Suffolk district attorney, after his \$5,000 bail was reduced to \$1,000 on Sept. 12. Pixley, 51, was arrested on charges of selling crack to an undercover officer and resisting arrest on Feb. 27, 2011. He has a long criminal record that includes convictions for selling cocaine, rape, and other charges and was deemed a habitual offender.
- Pixley's lawyer, Veronica White, said Pixley had been held for 13 months with severe medical problems on a case built on tainted evidence.
- "When the government puts someone in an 8-by-7-foot cell and tells them when they will sleep and eat and wake up, it's the most intrusive thing you can do to somebody," said White, adding that she will also fight to clear other clients whose cases also hinged on drugs tested by Dookhan.
- "All of these cases that come out of that lab are presumptively tainted," she said. "You can't limit everything to Annie Dookhan. There are other people who should be held accountable."
- With many more defendants expected to ask to be set free, Conley said the court system has to come up with a comprehensive approach. Otherwise, the disputed caseload could become overwhelming.
- "We're going to need the resources to assign full-time personnel to assess each defendant's conviction or bail status and make a fully informed decision on how to proceed," Conley said.

**Archived:** Tuesday, March 12, 2019 10:29:52 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR)  
**Subject:** FW: Today's JP Lab coverage, Globe & Herald  
**Sensitivity:** Normal

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**From:** Guyotte, Stephanie (NOR)  
**Sent:** Tuesday, September 25, 2012 9:13 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Today's JP Lab coverage, Globe & Herald

### **Impact of state drug lab scandal detailed**

**Inmates affected could number more than 1,100**

**By Kay Lazar, John R. Ellement and Martin Finucane, Boston Globe, September 24, 2012**

<http://bostonglobe.com/metro/2012/09/24/judge-overturns-drug-and-gun-convictions-suffolk-case-lab-scandal-impact-widens/z9qtkYKjVN7gYB7Soo62ZN/story.html>

- More than 1,100 inmates in Massachusetts prisons and county jails were convicted based on potentially tainted evidence from the state drug lab, officials disclosed Monday, providing the most troubling estimate yet of the damage from the growing scandal.
- David E. Meier, a former veteran prosecutor appointed by the Patrick administration to lead the review of potentially thousands of mishandled cases, said staffers worked over the weekend to identify 690 people now in state prison and 450 in county jails or houses of correction because of evidence that was analyzed by a former state chemist identified as Annie Dookhan, when she served as the primary or secondary chemist in all of those people's cases.
- "We are taking it one step at a time," said Meier during a late-afternoon news conference at a state office building in Boston. He said the numbers investigators have uncovered so far are not "100 percent accurate," but are "the best . . . we can generate as a result of various data, personal identifiers, and other information coming from various federal, state and local agencies."
- Meier said his team's first priority is identifying people who may have been wrongly imprisoned because of evidence mishandled by Dookhan. So far, judges have freed or reduced bail of at least 16 drug defendants because of connections to the chemist.

- The list of people imprisoned based on evidence handled by Dookhan is likely to grow considerably. Meier said the 1,140 identified so far do not include prisoners held on bail, people serving sentences in federal prison, and those incarcerated on additional drug charges that Dookhan did not handle.
- In all, Dookhan is believed to have handled 60,000 drug samples involving 34,000 criminal cases during her nine-year career at the lab in Jamaica Plain — formerly run by the Department of Public Health — until she left in March amid allegations that she had mishandled evidence and altered test results. State officials closed the lab in August as the extent of her alleged wrongdoing became clear.
- Meanwhile, the fallout from the scandal continued Monday as a Suffolk Superior Court judge put on hold a seven-year prison sentence for David Huffman of Roxbury, setting the stage for his release one month after he pleaded guilty to drug and gun charges.
- Huffman, 55, who has a 19-page record dating to 1975, was convicted in Suffolk Superior Court in August of trafficking in cocaine and heroin, unlawful possession of a firearm, and other charges and was sentenced to seven to 10 years.
- Superior Court Judge Christine Roach, adopting a request by defense attorney Bernard Grossberg, stayed Huffman's sentence. The judge also set bail at \$75,000 cash, which means Huffman will regain his freedom if he posts bail, though he remains convicted of the drug and gun charges.
- Those convictions, however, may ultimately be tossed out, depending on the results of the investigation into Dookhan's activities at the lab.
- Grossberg said in court that Dookhan signed or cosigned 14 tests done on the 300 grams of cocaine seized when police raided a Boston building.
- He also said a .357-caliber handgun found by police during their search was never directly connected to Huffman, but Huffman had pleaded guilty to gun charges to reach a resolution in the case.
- "The drug charges forced the guilty plea in this case," Grossberg said. The gun plea "was thrown in as part of a global plea."
- The suspension of Huffman's sentence, over the objection of prosecutors, alarmed Suffolk District Attorney Daniel F. Conley, who warned that Huffman's potential release could present a real danger to the community.
- "This defendant isn't a low-level or nonviolent drug offender," said Conley in a statement. "The defendants who stand to benefit most from the DPH lab crisis are violent offenders, career criminals, gun offenders, or major narcotics suppliers — and he's all four. We're extremely concerned about this defendant and many others like him hitting the streets in the weeks and months to come."
- In fact, a judge at Plymouth Superior Court in Brockton is scheduled to hear an appeal for freedom from another inmate on Tuesday. Defense attorney Michael Traft plans to ask Superior Court Judge Frank Gaziano to release his client because the drug evidence in his case — analyzed by Dookhan — appears to have been altered.
- In court papers, Traft said the weight of the powder cocaine authorities allegedly linked to his client, Manuel J. Abreu, had actually increased during the years it was in government custody.
- When Abreu was arrested by Brockton police in 2005, they allegedly found 182 grams of powder cocaine; when it was



retested following the Dookhan scandal, the cocaine had increased in weight to 206.25 grams, according to Traft.

- Police also allegedly seized crack cocaine with a net weight of 304 grams when tested in the lab in 2005, but now weighs 289 grams, a shrinkage that the state has said results from moisture evaporating out of the crack cocaine.
- But Traft contends that the allegations about Dookhan manipulating drug samples, and the fact that she is shown on government records as having had access to the drugs, warrants Abreu being freed from state prison on bail pending his appeal.
- Gaziano sentenced Abreu to 17.5 years in state prison earlier this year for drug sales in a school zone and drug trafficking, which carries a mandatory minimum of 15 years behind bars.
- Meier, who is heading up the Patrick administration's review of the lab scandal, said his team has an enormous amount of work ahead.
- "There is a second level of individual who we will next turn our attention to," said Meier, as they attempt to identify every person who has been jailed or otherwise punished based on evidence connected to Dookhan. He said analysts need next to identify people "who might have previously been convicted, previously been on probation, previously served a sentence or otherwise been punished as a result of a drug case which potentially may have been affected by the conduct of that same chemist."
- Of the first 1,140 inmates identified Monday, Meier said some are facing additional jeopardy: 22 of them may be the subject of ongoing deportation or related immigration proceedings, according to a letter Meier sent to district attorneys and defense lawyers.
- "We are doing our human best" to expedite the process, Meier said.

### **Lawyer: Chemist was 'eyeballing' drugs**

**By Matt Stout, Boston Herald, September 25, 2012**

<http://bostonherald.com/news/regional/view.bg?articleid=1061162874&src=news&position=4>

- The accused rogue chemist at the center of the state's drug lab scandal was "eyeballing" drug samples instead of testing and weighing them, and even mixed samples with drugs from a "stockpile" of evidence from the lab, claims the lawyer of one convicted drug dealer whose sentence yesterday was put on hold in the wake of the widening crisis.
- Attorney Bernard Grossberg, in a motion filed in Suffolk Superior Court, painted new details of chemist Annie Dookhan's alleged conduct, which has called into question more than 34,000 cases — 1,140 of which, officials announced yesterday, include current Bay State inmates.
- Dookhan's alleged mishandling "involved her 'eyeballing' seized substances, rather than submitting the substances to chemical testing," Grossberg wrote in an affidavit arguing that a judge stay the drug and gun convictions of his client, David Huffman, because Dookhan handled the drugs involved. Judge Christine Roach agreed and set bail at \$75,000 over the arguments of prosecutors, who said the gun Huffman admitted he had was an "independent act of criminality."
- "Most crucially," Grossberg continued in the court filing, "she placed an amount or amounts of previously tested controlled substances from the state lab's 'stock pile' of tested substances into the unknown seized substances, certified that the unknown substance was the previously tested substance, and thereby, contaminated the unknown substance."

- The allegations provide a deeper look into what is believed to be part of the attorney general and state police's criminal investigation of Dookhan's conduct. The decision to suspend Huffman's sentences comes just weeks after he pleaded guilty on Aug. 1, and began concurrent 7- to 10-year sentences.
- Also yesterday, David Meier, the lawyer appointed by Gov. Deval Patrick to lead the effort in assessing the scandal's damage, said that 690 people currently serving state prison sentences and 450 in county jails had evidence in their cases handled by Dookhan.
- Meier also wrote to prosecutors and attorneys that Dookhan appeared in court 150 times, including in 15 cases prosecuted in federal court.

**Archived:** Tuesday, March 12, 2019 10:29:58 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Leone, Gerard (NOR)

**Subject:** JP Lab Cases: RE: AD Case/Arlington; CW v. [REDACTED] - Friday 9/28

**Sensitivity:** Normal

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Yes we can discuss today.

Remember our baselines for assessment:

- D in Custody in any way?

- "Drugs only" case?

- AD Primary or necessary witness?; AD Secondary Witness?; AD potential witness?; Whether the case is compromised, whether the case has the appearance of being compromised such that the integrity of the prosecution is compromised??

- Case strength? Legal and/or Factual issues aside from AD?

- Other significant relevant factors?

Solutions:

- Continuance to obtain information necessary to make a call on the case.

- Discovery (additional) obtained/provided

- Bail reduction/Change in D custody status pending resolution

- COP accounting for compromise to case

- Filed w/o COP

- Dismissal by Court

- NP by Commonwealth

- OTHER

DOCUMENT ALL.

Thanks.

Gerry

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15 Commonwealth Ave., Woburn, MA 01801

[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ryan, Marian (NOR)

Sent: Tuesday, September 25, 2012 6:44 AM

To: Walker, Jodi (NOR); Leone, Gerard (NOR)  
Subject: Re: AD Case/Arlington; CW v. [REDACTED] - Friday 9/28

This is the beginning of the cases which we got a continuance in @ the beginning of the month now resurfacing-altho this case has the additional discovery wrinkle-it is one of the group of AD drug only cases for which we need to make assessments -

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Tuesday, September 25, 2012 06:38 AM  
To: Walker, Jodi (NOR); Leone, Gerard (NOR); Ryan, Marian (NOR)  
Subject: AD Case/Arlington; CW v. [REDACTED] - Friday 9/28

Morning - Gerry, as an early FYI, the below case was on 9/7 (see emails below with you) and was continued by Judge Sragow until this Friday, 9/28.

We should be prepared for a DC motion to dismiss. You may recall the extra discovery inquiry to JP Lab that MDAO was ordered to make by Singleton in this case.

This is a task force case, but Arlington PD was involved - it is on Chief Ryan's list from yesterday.

May we please discuss this case when we meet today? I do not think that we need to discuss before Chief's. Just wanted you to be aware.

---

From: Walker, Jodi (DAA) [jodi.walker@massmail.state.ma.us]  
Sent: Thursday, September 06, 2012 9:23 PM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: RE: Dookhan Case; Tomorrow 9/6; CW v. [REDACTED] - Camb. D.Ct.

1. Thanks very much, we will do the filing tomorrow.
2. Do you have the final MDAA letter? I'm inclined to email Tara for it, unless you have an objection or a confirmed final document, just to be safe we are publicly filing the right and final version.
3. As to ending this case, very good question - yes, in my opinion, we have enough to consider ending it, even ending it right now. This case can be distinguished from other pending cases (to my knowledge) b/c of the second Notice we filed in only this case, further supporting ending it without anything in writing from AGO, MSP, etc. On the other hand, given D is on the street, and AGO has promised a writing to us by tomorrow, and we are making this disclosure /filing tomorrow, I think a short continuance is not unreasonable, but I do have an expectation as to which way this case will end. I'd also like to get an updated BOP tomorrow from probation before making that decision. Finally, this case was a task force case out of Arlington - so we may also want a courtesy and appropriately framed heads up / explanation to POs first.

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From: Leone, Gerard (NOR)  
Sent: Thursday, September 06, 2012 8:47 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Cc: 'jodi.walker@state.ma.us'  
Subject: Re: Dookhan Case; Tomorrow 9/6; CW v. [REDACTED] - Camb. D.Ct.

Yes, do the filing, attaching any relevant materials, including the DAs letter to the Governor.  
Given the hx here, do we have enough to consider ending this particular case?

----- Original Message -----

From: Ryan, Marian (NOR)

Sent: Thursday, September 06, 2012 05:44 PM

To: Walker, Jodi (NOR); Leone, Gerard (NOR)

Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>

Subject: Re: Dookhan Case; Tomorrow 9/6; CW v. [REDACTED] - Camb. D.Ct.

Thanks, Jodi-

Same D attorney will also be in Cambridge on Tuesday and may want to go forward on a non-Dookhan, JP lab case-that may also be addressed tomorrow-

----- Original Message -----

From: Walker, Jodi (NOR)

Sent: Thursday, September 06, 2012 05:42 PM

To: Leone, Gerard (NOR)

Cc: Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>

Subject: Dookhan Case; Tomorrow 9/6; CW v. [REDACTED] - Camb. D.Ct.

Gerry - Another Dookhan case on tomorrow (Friday) in Cambridge D.Ct., first session, not motion session: Commonwealth v. [REDACTED]. Charges are distribution X2 and SZ (BD previously denied.) Defendant has made bail, and is on the street. Dookhan is the primary chemist in this case.

By way of background, the Dookhan issue has been previously hotly contested in this case before Judge Singleton. The C/W has previously turned over our standard Dookhan Notice. (Attached in the PDF.) But additionally, in this case, Judge Singleton ordered MDAO to inquire further of the Hinton Lab in late July 2012 as to whether there was any additional breaches at the lab for a 3 month period (10/1/09 to 1/31/2010, which I believe is the period of time surrounding when the drugs in this case were tested.) We did make that inquiry indirectly, after our motion to reconsider was denied, fearing that Judge Singleton would find the C/W in contempt, and consulting with the AGO and MSP LC, of the director of the Hinton lab, via an inquiry through AAG Natalie Monroe. Through the AAG, the lab director told us "no" additional breaches during that time, and we filed a document to that affect. (Also attached in the PDF.) (As a separate issue, query whether we need to advise investigators of this statement? Presumably AAG advised AAG investigating? I also had communications with MSP LC on this second notice in late July 2012 before we filed it to apprise him. We consulted with AGO first, as we did not know of the switch over to MSP on 7/1/12. MSP LC aware and emailed notice prior to our filing.)

As to tomorrow, the more time sensitive issue, we are recommending that we file a version of the document that you reviewed today, potentially attaching the Letter to the Governor (?) (assuming that is now public.) I have re-crafted the CW's reply in the form of Supplemental Discovery (as there is no DC motion in this case) and tried to address your suggested edit that I did not get right today. My apologies for that.

I'm available by email / phone if you want to talk.

I've spoken to ADA Chris Minue, who is handling this case, and does not anticipate any issue tomorrow.

Thanks,  
jlw

**Archived:** Tuesday, March 12, 2019 10:30:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** Re: CW v. [REDACTED] (DOOKHAN)  
**Sensitivity:** Normal

---

Thanks

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 25, 2012 03:11 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** Re: CW v. [REDACTED] (DOOKHAN)

D on PR-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, September 25, 2012 03:08 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** Re: CW v. [REDACTED] (DOOKHAN)

Good, thx.  
Custody case?

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 25, 2012 03:05 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** Fw: CW v. [REDACTED] (DOOKHAN)

Good outcome

---

**From:** Palmer, Lila (NOR)  
**Sent:** Tuesday, September 25, 2012 02:54 PM  
**To:** Ryan, Marian (NOR)  
**Cc:** Stanton, Courtney (NOR); Duran, Denise (NOR)  
**Subject:** CW v. [REDACTED] (DOOKHAN)

Marian,

This is in reference to CW v. [REDACTED], which we discussed this morning and which was scheduled for trial today in Somerville District Court. Per your instructions I asked for a new date and Judge Flynn granted the new date. I informed defense counsel that I would provide additional discovery to him on Ms. Dookhan as it becomes available. He intends to file a motion to dismiss on the next date, which is 11/2/12.

Thanks!

Lila

---

**From:** Ryan, Marian (NOR)  
**Sent:** Monday, September 24, 2012 2:39 PM  
**To:** Palmer, Lila (NOR)

**Subject:** Re: CW v. Angel Melendez - trial 9/25

Thanks-

---

**From:** Palmer, Lila (NOR)  
**Sent:** Monday, September 24, 2012 02:38 PM  
**To:** Ryan, Marian (NOR)  
**Subject:** RE: CW v. [REDACTED] trial 9/25

No problem – nothing will be done on the case until you and I have spoken.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Monday, September 24, 2012 2:37 PM  
**To:** Palmer, Lila (NOR)  
**Subject:** Re: CW v. [REDACTED] - trial 9/25

Lila-I am at a mtg re the lab right now---

Nothing should be done-PARTICULARLY NO NP-until we have spoken--I will call you later but will have to talk w Gerry after mtg.

---

**From:** Palmer, Lila (NOR)  
**Sent:** Monday, September 24, 2012 02:29 PM  
**To:** Ryan, Marian (NOR)  
**Cc:** Stanton, Courtney (NOR)  
**Subject:** CW v. [REDACTED] - trial 9/25

Hi Marian,

I just left you a voice mail about this. You spoke with Danielle Stice about this case on Friday – it is a drug case where the chemist was Annie Dookhan, and we had originally intended on proceeding with a substitute chemist. We are planning on seeking a continuance tomorrow, although I expect defense counsel will be seeking a straight dismissal which will argue against. I just wanted to confirm with you – if Judge Flynn is inclined to grant the dismissal, should we be filing a nolle pros on the case or allow it to be dismissed?

Thanks! I am leaving the office shortly but my cell phone is [REDACTED]. I will try you on your cell as well.

Best,

Lila

**Archived:** Tuesday, March 12, 2019 10:30:06 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR)

**Subject:** Re: Dookhan/DPH Drug Lab Investigation-UPDATE on Protective Orders

**Sensitivity:** Normal

---

Thanks Pam.

---

**From:** Wechsler, Pamela (DAA) [mailto:pamela.wechsler@massmail.state.ma.us]

**Sent:** Tuesday, September 25, 2012 04:16 PM

**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR)

**Subject:** Fw: Dookhan/DPH Drug Lab Investigation-UPDATE on Protective Orders

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**From:** Haggan, Patrick (SUF)

**Sent:** Tuesday, September 25, 2012 04:11 PM

**To:** DAA-DL-FIRST ADA

**Cc:** Maguire, Tara (DAA)

**Subject:** Dookhan/DPH Drug Lab Investigation-UPDATE on Protective Orders

FYI.

Beginning this past Friday when we first made the discovery packet of investigative reports available to defense counsel subject to the protective order documents agreed to by the DAs, we have experienced conflicting responses from the judges in Suffolk County. While the majority of judges allowed the motion for protective order, a number of district court judges have denied the motion and ordered immediate production of the materials. In our efforts to formulate a response, including a possible appeal to the Single Justice, we discussed the situation at length today with First Assistant AG Ed Bedrosian and AAG John Verner. The result of that conversation was a determination that in light of recent developments, including the widespread media coverage of specific details of the investigation, the AGO is no longer requesting that dissemination of the materials be restricted by a motion for protective order.

Therefore, it is our intention (beginning tomorrow) to provide defense counsel with the packet of redacted reports without a protective order in place.

Please let me know if you have any questions or concerns.

Pat



**Archived:** Tuesday, March 12, 2019 10:30:11 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** RE: Today's JP Lab coverage, Globe & Herald  
**Sensitivity:** Normal

---

agreed



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 25, 2012 10:20 AM  
**To:** Walker, Jodi (NOR); Leone, Gerard (NOR)  
**Subject:** Re: Today's JP Lab coverage, Globe & Herald

I think that there is ambiguity which does not extend to David-he was very clear that he is only the info guy-

---

**From:** Walker, Jodi (DAA) [mailto:jodi.walker@massmail.state.ma.us]  
**Sent:** Tuesday, September 25, 2012 09:23 AM  
**To:** Leone, Gerard (NOR); Ryan, Marian (NOR)  
**Subject:** RE: Today's JP Lab coverage, Globe & Herald

Maybe I am just fixated on the semantics, but is David Meier "leading a review?" The State House News report last night said he was leading a "probe." I thought that he was working to get us clarity on the nature, scope, depth of the problem vis-à-vis data? Maybe there are really the same thing. Or, perhaps, there is some ambiguity around his role publicly, and/or some difficulty in publicly describing what he is actually doing because it is inside baseball.

I have a few thoughts on this.

---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Tuesday, September 25, 2012 9:13 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Today's JP Lab coverage, Globe & Herald

### Impact of state drug lab scandal detailed

Inmates affected could number more than 1,100

By Kay Lazar, John R. Ellement and Martin Finucane, Boston Globe, September 24, 2012

<http://bostonglobe.com/metro/2012/09/24/judge-overturms-drug-and-gun-convictions-suffolk-case-lab-scandal-impact-widens/z9qtkYKjVN7gYB7Soo62ZN/story.html>

- More than 1,100 inmates in Massachusetts prisons and county jails were convicted based on potentially tainted evidence from the state drug lab, officials disclosed Monday, providing the most troubling estimate yet of the damage from the growing scandal.
- David E. Meier, a former veteran prosecutor appointed by the Patrick administration to lead the review of potentially thousands of mishandled cases, said staffers worked over the weekend to identify 690 people now in state prison and 450 in county jails or houses of correction because of evidence that was analyzed by a former state chemist identified as Annie Dookhan, when she served as the primary or secondary chemist in all of those people's cases.
- "We are taking it one step at a time," said Meier during a late-afternoon news conference at a state office building in Boston. He said the numbers investigators have uncovered so far are not "100 percent accurate," but are "the best . . . we can generate as a result of various data, personal identifiers, and other information coming from various federal, state and local agencies."
- Meier said his team's first priority is identifying people who may have been wrongly imprisoned because of evidence mishandled by Dookhan. So far, judges have freed or reduced bail of at least 16 drug defendants because of connections to the chemist.
- The list of people imprisoned based on evidence handled by Dookhan is likely to grow considerably. Meier said the 1,140 identified so far do not include prisoners held on bail, people serving sentences in federal prison, and those incarcerated on additional drug charges that Dookhan did not handle.
- In all, Dookhan is believed to have handled 60,000 drug samples involving 34,000 criminal cases during her nine-year career at the lab in Jamaica Plain — formerly run by the Department of Public Health — until she left in March amid allegations that she had mishandled evidence and altered test results. State officials closed the lab in August as the extent of her alleged wrongdoing became clear.
- Meanwhile, the fallout from the scandal continued Monday as a Suffolk Superior Court judge put on hold a seven-year prison sentence for David Huffman of Roxbury, setting the stage for his release one month after he pleaded guilty to drug and gun charges.
- Huffman, 55, who has a 19-page record dating to 1975, was convicted in Suffolk Superior Court in August of trafficking in cocaine and heroin, unlawful possession of a firearm, and other charges and was sentenced to seven to 10 years.
- Superior Court Judge Christine Roach, adopting a request by defense attorney Bernard Grossberg, stayed Huffman's sentence. The judge also set bail at \$75,000 cash, which means Huffman will regain his freedom if he posts bail, though he remains convicted of the drug and gun charges.
- Those convictions, however, may ultimately be tossed out, depending on the results of the investigation into Dookhan's activities at the lab.
- Grossberg said in court that Dookhan signed or cosigned 14 tests done on the 300 grams of cocaine seized when police raided a Boston building.
- He also said a .357-caliber handgun found by police during their search was never directly connected to Huffman, but Huffman had pleaded guilty to gun charges to reach a resolution in the case.
- "The drug charges forced the guilty plea in this case," Grossberg said. The gun plea "was thrown in as part of a global

plea.”

- The suspension of Huffman’s sentence, over the objection of prosecutors, alarmed Suffolk District Attorney Daniel F. Conley, who warned that Huffman’s potential release could present a real danger to the community.
- “This defendant isn’t a low-level or nonviolent drug offender,” said Conley in a statement. “The defendants who stand to benefit most from the DPH lab crisis are violent offenders, career criminals, gun offenders, or major narcotics suppliers — and he’s all four. We’re extremely concerned about this defendant and many others like him hitting the streets in the weeks and months to come.”
- In fact, a judge at Plymouth Superior Court in Brockton is scheduled to hear an appeal for freedom from another inmate on Tuesday. Defense attorney Michael Traft plans to ask Superior Court Judge Frank Gaziano to release his client because the drug evidence in his case — analyzed by Dookhan — appears to have been altered.
- In court papers, Traft said the weight of the powder cocaine authorities allegedly linked to his client, Manuel J. Abreu, had actually increased during the years it was in government custody.
- When Abreu was arrested by Brockton police in 2005, they allegedly found 182 grams of powder cocaine; when it was retested following the Dookhan scandal, the cocaine had increased in weight to 206.25 grams, according to Traft.
- Police also allegedly seized crack cocaine with a net weight of 304 grams when tested in the lab in 2005, but now weighs 289 grams, a shrinkage that the state has said results from moisture evaporating out of the crack cocaine.
- But Traft contends that the allegations about Dookhan manipulating drug samples, and the fact that she is shown on government records as having had access to the drugs, warrants Abreu being freed from state prison on bail pending his appeal.
- Gaziano sentenced Abreu to 17.5 years in state prison earlier this year for drug sales in a school zone and drug trafficking, which carries a mandatory minimum of 15 years behind bars.
- **Meier, who is heading up the Patrick administration’s review of the lab scandal, said his team has an enormous amount of work ahead.**
- “There is a second level of individual who we will next turn our attention to,” said Meier, as they attempt to identify every person who has been jailed or otherwise punished based on evidence connected to Dookhan. He said analysts need next to identify people “who might have previously been convicted, previously been on probation, previously served a sentence or otherwise been punished as a result of a drug case which potentially may have been affected by the conduct of that same chemist.”
- Of the first 1,140 inmates identified Monday, Meier said some are facing additional jeopardy: 22 of them may be the subject of ongoing deportation or related immigration proceedings, according to a letter Meier sent to district attorneys and defense lawyers.
- “We are doing our human best” to expedite the process, Meier said.

**Lawyer: Chemist was ‘eyeballing’ drugs**

**By Matt Stout, Boston Herald, September 25, 2012**

<http://bostonherald.com/news/regional/view.bg?articleid=1061162874&srvc=news&position=4>

- The accused rogue chemist at the center of the state's drug lab scandal was "eyeballing" drug samples instead of testing and weighing them, and even mixed samples with drugs from a "stockpile" of evidence from the lab, claims the lawyer of one convicted drug dealer whose sentence yesterday was put on hold in the wake of the widening crisis.
- Attorney Bernard Grossberg, in a motion filed in Suffolk Superior Court, painted new details of chemist Annie Dookhan's alleged conduct, which has called into question more than 34,000 cases — 1,140 of which, officials announced yesterday, include current Bay State inmates.
- Dookhan's alleged mishandling "involved her 'eyeballing' seized substances, rather than submitting the substances to chemical testing," Grossberg wrote in an affidavit arguing that a judge stay the drug and gun convictions of his client, David Huffman, because Dookhan handled the drugs involved. Judge Christine Roach agreed and set bail at \$75,000 over the arguments of prosecutors, who said the gun Huffman admitted he had was an "independent act of criminality."
- "Most crucially," Grossberg continued in the court filing, "she placed an amount or amounts of previously tested controlled substances from the state lab's 'stock pile' of tested substances into the unknown seized substances, certified that the unknown substance was the previously tested substance, and thereby, contaminated the unknown substance."
- The allegations provide a deeper look into what is believed to be part of the attorney general and state police's criminal investigation of Dookhan's conduct. The decision to suspend Huffman's sentences comes just weeks after he pleaded guilty on Aug. 1, and began concurrent 7- to 10-year sentences.
- Also yesterday, **David Meier, the lawyer appointed by Gov. Deval Patrick to lead the effort in assessing the scandal's damage**, said that 690 people currently serving state prison sentences and 450 in county jails had evidence in their cases handled by Dookhan.
- Meier also wrote to prosecutors and attorneys that Dookhan appeared in court 150 times, including in 15 cases prosecuted in federal court.

**Archived:** Tuesday, March 12, 2019 10:30:22 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA); OKeefe, Michael (CPI)  
**Cc:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** Fw: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN  
**Sensitivity:** Normal

---

Interview notes?  
I don't believe that we got those.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, September 26, 2012 06:41 PM  
**To:** 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ryan, Marian (NOR)  
**Subject:** Fw: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

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**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, September 26, 2012 05:24 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

FYI

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**From:** State House News Service [mailto:news@statehousenews.com]  
**Sent:** Wednesday, September 26, 2012 5:14 PM  
**To:** news@statehousenews.com  
**Subject:** SHNS VIDEO | PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN



PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Gov. Deval Patrick told the News Service Wednesday that information obtained during a State Police interview with former state crime lab chemist Annie Dookhan caused him to shut down the lab and begin investigating the depths of the situation. "You know it's unusual for the interview notes of the State Police to be shared with the general public for that matter in the midst of a criminal investigation, but we thought it was important for this to happen," Patrick said after a Boston Globe report outlined the contents of the police report. Patrick said he's been fully briefed on Dookhan's report and that all of the state's district attorneys are taking steps to make the information available to the defense attorneys of affected convicts. "You have it in greater detail now thanks to the Globe story, but it's the information that caused me to shut down the lab when I first learned about it and to launch these investigations and to launch the central law office so that we can get to the bottom of the individuals affected and do right by them," Patrick said. The Globe report details the State Police's questioning of Dookhan, where the former chemist admits to numerous transgressions including removing evidence from storage, forging signatures and failing to conduct proper tests of samples for "two or three years." Patrick shut down the lab in August. Officials said Monday that Dookhan handled evidence in cases involving 1,141 currently incarcerated felons. When asked if he was concerned about the report's comments on Dookhan's mental state, Patrick said he is "very concerned about the mishandling of the samples because they do bear on the quality of justice and that's what we're trying to

get to the bottom of right now."

**Archived:** Tuesday, March 12, 2019 10:30:36 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** RE: Commonwealth's Motions for Protective Order in Dookhan cases  
**Sensitivity:** Normal

---

thx



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 26, 2012 12:49 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Commonwealth's Motions for Protective Order in Dookhan cases

Just fyi-we redacted that family info as well-

---

**From:** Leone, Gerard (DAA) [mailto:[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)]  
**Sent:** Wednesday, September 26, 2012 12:45 PM  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** FW: Commonwealth's Motions for Protective Order in Dookhan cases

fyi



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, September 26, 2012 12:20 PM  
**To:** Conley, Daniel (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Commonwealth's Motions for Protective Order in Dookhan cases

I'm in agreement but will redact family information.

Sent from my iPhone

On Sep 26, 2012, at 12:17 PM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

Yesterday, several judges in the Boston Municipal Court denied several of the Commonwealth's Motions for Protective Order in drug cases pending in that court. As a result of these rulings, my 1<sup>st</sup> ADA Pat Haggan spoke at length with 1<sup>st</sup> AAG Ed Bedrosian and Criminal Bureau Chief AAG John Verner to discuss next steps. (Pat even expressed our willingness to take a 211, 3 hearing on these denials). Based on their review of the rulings in the BMC on our motions for protective orders, the current state of the investigation, and the widespread media coverage as to the details of the drug laboratory issue and investigation, the Attorney General has withdrawn her request that disclosure of the redacted investigatory materials be subject to a protective order limiting dissemination.

Bearing in mind that we all previously agreed to seek protective orders at the request of the AG during the pendency of her investigation, and now in light of her change of position in that regard, I believe it's time to change course and to provide the redacted materials to defense counsel as discovery on all drug cases where the testing was completed at the former DPH laboratory in Jamaica Plain (whether or not Ms. Dookhan was involved in the case). I intend to instruct my ADA's that these materials may be disclosed to defense counsel without a protective order limiting dissemination—in the same way that they would provide other mandatory discovery materials.

For those cases where protective orders were recently allowed, whether by agreement of the attorney or by the court following a hearing, I intend to instruct Suffolk ADA's to file a motion to vacate the protective order and advise the attorney accordingly.

In the interests of operating as best we can in a united approach, let me know if I'm missing anything and whether you propose a different course.

Thanks,

Dan C



**Archived:** Tuesday, March 12, 2019 10:30:40 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: [REDACTED] - Dookhan case  
**Sensitivity:** Normal

---

Thanks!

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 25, 2012 08:15 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: [REDACTED] - Dookhan case

Jodi and I are keeping a spreadsheet-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, September 25, 2012 08:13 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: [REDACTED] - Dookhan case

Thanks. We need to keep track of these cases in case we choose to refile them, D. Or Sup. Ct.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, September 25, 2012 08:11 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Subject:** Fw: [REDACTED] - Dookhan case

Gerry-just an update on two cases-on Dave Rubin's [REDACTED] case-all drug, AD primary case (see below) the defendant moved for a bail reduction. As you had instructed, Dave neither assented to nor objected to that request. Not surprisingly the judge reduced the bail to personal. However he then held the D on a probation warrant and sent the D to South Boston to answer on that surrender.

In Cambridge District Court over our objection Judge Hogan dismissed a 3 year old non-AD JP lab SZ case. Again, she appears to have been reacting to the age of the case and the prospect of another delay to deal w lab issues rather than passing on the lab issues. She noted our strenuous objection, dismissed w/o prejudice and gave leave to refile when we have assessed (this would be the second refiling b/c the case had already been refiled once). The D remained in custody on bail on another non-MDAO case. Judge Hogan has routinely been giving us continuances in lab other cases w/o the age issues. She may be, as you predicted, trying to clear her docket.

---

**From:** Rubin, David (NOR)  
**Sent:** Monday, September 17, 2012 10:31 AM  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Cc:** Stanton, Courtney (NOR)  
**Subject:** [REDACTED] - Dookhan case

This case is on for tomorrow for a FPTC – the defendant will be requesting a reduction in bail to personal recognizance. I am awaiting guidance as to our our position on this.

The defendant has a minimal record (provided previously – I can send it again if you want) and is charged as a subsequent offender for two hand to hand drug sales to [REDACTED] (each sale consisted of cocaine and heroin). We had previously agreed to a breakdown to

a 2 years state prison sentence (from the mando 5) but at the COP the defendant defaulted. Defendant remained in default for about a year and was eventually picked up on the warrant. He is now held on \$10,000.

David Rubin  
Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
Ph: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:30:43 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA); OKeefe, Michael (CPI)  
**Subject:** Fw: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN  
**Sensitivity:** Normal

---

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Wednesday, September 26, 2012 07:26 PM  
To: Leone, Gerard (NOR)  
Cc: marian.ryan@state.ma.us <marian.ryan@state.ma.us>  
Subject: RE: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

We did not.

---

From: Leone, Gerard (DAA) [gerry.leone@massmail.state.ma.us]  
Sent: Wednesday, September 26, 2012 7:15 PM  
To: Maguire, Tara (DAA); OKeefe, Michael (CPI)  
Cc: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: Fw: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Interview notes?  
I don't believe that we got those.

From: Leone, Gerard (NOR)  
Sent: Wednesday, September 26, 2012 06:41 PM  
To: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ryan, Marian (NOR)  
Subject: Fw: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

From: Maguire, Tara (DAA)  
Sent: Wednesday, September 26, 2012 05:24 PM  
To: DAA-DL-DA&EXEC.ASST  
Subject: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

FYI

From: State House News Service [<mailto:news@statehousenews.com>]  
Sent: Wednesday, September 26, 2012 5:14 PM  
To: news@statehousenews.com  
Subject: SHNS VIDEO | PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

[\[http://www.statehousenews.com/public/logo.gif\]](http://www.statehousenews.com/public/logo.gif)

PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Gov. Deval Patrick told the News Service Wednesday that information obtained during a State Police

interview with former state crime lab chemist Annie Dookhan caused him to shut down the lab and begin investigating the depths of the situation. "You know it's unusual for the interview notes of the State Police to be shared with the general public for that matter in the midst of a criminal investigation, but we thought it was important for this to happen," Patrick said after a Boston Globe report outlined the contents of the police report. Patrick said he's been fully briefed on Dookhan's report and that all of the state's district attorneys are taking steps to make the information available to the defense attorneys of affected convicts. "You have it in greater detail now thanks to the Globe story, but it's the information that caused me to shut down the lab when I first learned about it and to launch these investigations and to launch the central law office so that we can get to the bottom of the individuals affected and do right by them," Patrick said. The Globe report details the State Police's questioning of Dookhan, where the former chemist admits to numerous transgressions including removing evidence from storage, forging signatures and failing to conduct proper tests of samples for "two or three years." Patrick shut down the lab in August. Officials said Monday that Dookhan handled evidence in cases involving 1,141 currently incarcerated felons. When asked if he was concerned about the report's comments on Dookhan's mental state, Patrick said he is "very concerned about the mishandling of the samples because they do bear on the quality of justice and that's what we're trying to get to the bottom of right now."

**Archived:** Tuesday, March 12, 2019 10:30:57 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: Dookhan  
**Sensitivity:** Normal

---

Essentially, I would imagine you can be guided by public records type redactions. We can always provide more, but can't put the genie back in the bottle.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Wednesday, September 26, 2012 08:47 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: RE: Dookhan

OK - agreed. But in many ways we are in uncharted territory here, and AGO agreed to no P.O. on their own documents.

---

From: Leone, Gerard (NOR)  
Sent: Wednesday, September 26, 2012 8:37 PM  
To: Walker, Jodi (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: Re: Dookhan

Re: redactions, stick to what the law dictates.

----- Original Message -----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Wednesday, September 26, 2012 08:29 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: FW: Dookhan

GTL - Marian distributed the discovery notice and redacted AGO reports to those with to-date impacted cases this afternoon, as we discussed. We have CW v. [REDACTED] on tomorrow in Cambridge D. Ct. (we discussed this) as well as a discovery motion in a Superior Court case (will likely be nothing big tomorrow), and we wanted to get these documents to the affected cases asap. ADAs have begun distributing the attached notice and redacted AGO reports to the DCs without a PO, as all the DAOs and AGO agreed.

Marian and I are finalizing a broader internal email consistent with what we discussed today, e.g., surveying cases and reporting back by a date certain. I will share this in draft form tomorrow, vetting it with Mike and Pam, et al.

A note on the redactions in the AGO reports, which we received from the AGO in unredacted form last week. I mention "redactions" only b/c the emails about "uniform redactions" came up today, after we had already sent out discovery, below. We went ahead and redacted the reports we got; not sure what the other DAOs are doing or how. It seems from emails that some have already been filing the discovery. (O'Keefe and others mentioned "family redactions," as AD's son's and husband's names are mentioned.) We did what we usually do, striking personal contact info, addresses, cell phone numbers, and AD's son's and family member's names. We kept the civilian names of those interviewed (all past and present DPH lab employees)

un-redacted as we felt we had no grounds to be striking the names of those interviewed by the AGO in their reports, and they were witnesses (in some instances) to AD's alleged misconduct. It seems like everything is already out in the press already and in the defense bar's hands anyway, but given the emails re: uniform redactions, I thought I should mention this to you. Other than the "family redactions" we are not sure what the other DAOs are doing, if anything.

We have had positive internal responses to the below email. Data collection continues.

Thanks for all the time and guidance today -  
jlw

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, September 26, 2012 3:19 PM  
To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)  
Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery. If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet. Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:30:59 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: Dookhan  
**Sensitivity:** Normal

---

Thanks Jodi.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, September 27, 2012 06:40 AM  
To: Walker, Jodi (NOR)  
Cc: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Subject: Re: Dookhan

Morning - Civilians names in Globe today, but not from MDAO, as Globe received info Wednesday AM and our discovery went out Wednesday PM. Any arguable sensitivity to the issue is now moot. R/g/l, we are on legally sound law under discovery to produce the civilians' names. Bethany concurred with the redactions.

Sent from my iPhone

On Sep 26, 2012, at 8:37 PM, "Walker, Jodi (NOR)" <Jodi.Walker@MassMail.State.MA.US> wrote:

> OK - agreed. But in many ways we are in uncharted territory here, and AGO agreed to no P.O. on their own documents.

>

> From: Leone, Gerard (NOR)  
> Sent: Wednesday, September 26, 2012 8:37 PM  
> To: Walker, Jodi (NOR)  
> Cc: Ryan, Marian (NOR)  
> Subject: Re: Dookhan

>

> Re: redactions, stick to what the law dictates.

>

>

> ----- Original Message -----

> From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
> Sent: Wednesday, September 26, 2012 08:29 PM  
> To: Leone, Gerard (NOR)  
> Cc: Ryan, Marian (NOR)  
> Subject: FW: Dookhan

>

> GTL - Marian distributed the discovery notice and redacted AGO reports to those with to-date impacted cases this afternoon, as we discussed. We have CW v. [REDACTED] on tomorrow in Cambridge D. Ct. (we discussed this) as well as a discovery motion in a Superior Court case (will likely be nothing big tomorrow), and we wanted to get these documents to the affected cases asap. ADAs have begun distributing the attached notice and redacted AGO reports to the DCs without a PO, as all the DAOs and AGO agreed.

>

> Marian and I are finalizing a broader internal email consistent with what we discussed today, e.g., surveying cases and reporting back by a date certain. I will share this in draft form tomorrow, vetting it with Mike and Pam, et al.

>

> A note on the redactions in the AGO reports, which we received from the AGO in unredacted form last week. I mention "redactions" only b/c the emails about "uniform redactions" came up today, after we had already sent out discovery, below. We went ahead and redacted the reports we got; not sure what the other DAOs are doing or how. It seems from emails that some have already been filing the discovery. (O'Keefe and others mentioned "family redactions," as AD's son's and husband's names are mentioned.) We did what we usually do, striking personal contact info, addresses, cell phone numbers, and AD's son's and family member's names. We kept the civilian names of those interviewed (all past and present DPH lab employees) un-redacted as we felt we had no grounds to be striking the names of those interviewed by the AGO in their reports, and they were witnesses (in some instances) to AD's alleged misconduct. It seems like everything is already out in the press already and in the defense bar's hands anyway, but given the emails re: uniform redactions, I thought I should mention this to you. Other than the "family redactions" we are not sure what the other DAOs are doing, if anything.

>  
> We have had positive internal responses to the below email. Data collection continues.

>  
> Thanks for all the time and guidance today -  
> jlw

>  
>  
>  
> \_\_\_\_\_

> From: Ryan, Marian (NOR)  
> Sent: Wednesday, September 26, 2012 3:19 PM  
> To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)  
> Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
> Subject: FW: Dookhan

>  
> Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab.

> Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

> Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

> If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet.

> Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

>  
> Marian Ryan  
> General Counsel  
> Middlesex District Attorney's Office  
> 15 Commonwealth Avenue, Woburn, MA 01801  
> Phone: [REDACTED]  
> Fax: [REDACTED]

>  
> The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.



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>  
>

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**Archived:** Tuesday, March 12, 2019 10:31:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** Re: JP Lab: Cw v. [REDACTED], Next Date of 10/2/2012  
**Sensitivity:** Normal

---

Let the D/C file the MTD, and the Court rule.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 26, 2012 10:30 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** Fw: JP Lab: Cw v. [REDACTED], Next Date of 10/2/2012

This is a case that we may want to review to consider taking a COP to something less than the conviction to resolve.

---

**From:** Welsh, Patrick (NOR)  
**Sent:** Wednesday, September 26, 2012 06:04 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Williams, Megan (NOR); Welsh, Patrick (NOR)  
**Subject:** JP Lab: Cw v. [REDACTED], Next Date of 10/2/2012

A JP lab issue is going to come before the Cambridge District Court on Tuesday, October 2, 2012.

A defendant named [REDACTED] is on for status here in Cambridge. [REDACTED] prevailed on a *Padilla* motion several months ago after previously receiving a breakdown for a school zone infraction in 2007. [REDACTED] has already served the agreed-to time on the breakdown. His attorney, Susan Church, has been throwing everything at the wall to resolve this case without a guilty finding because ICE is prepared to deport him. She has made previous requests for pre-trial probation, and has tried to re-litigate previously-denied motions to suppress. Please let me know if you would like to see any of the related materials.

Church has told me that she will be filing a motion to dismiss the case on October 2, 2012. I've asked to see a copy of the motion, but she has not sent it to me yet.

Annie Dookhan was the confirmatory chemist on the drug certification (crack), and was disclosed as an expert witness on March 3, 2011 (after the Padilla motion). The drugs themselves were destroyed by order of the court in April 2007. Finally, Judge Hogan has marked this case for no further continuances.

Please let us know how we should address this case.

Regards,

Patrick Welsh

Patrick Welsh  
Special Assistant District Attorney  
Middlesex District Attorney's Office  
4040 Mystic Valley Parkway  
Medford, MA 02155  
T: [REDACTED]  
F: [REDACTED]

**Archived:** Tuesday, March 12, 2019 10:31:03 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Re: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN  
**Sensitivity:** Normal

---

Thx  
Likely your take on word choice though.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, September 27, 2012 10:36 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Got it . Tara going to make some inquiry of Mark Riley and Bedrosian as to whether notes exist and did Governor give all the reports/ notes to Globe .

Sent from my iPhone

On Sep 27, 2012, at 10:34 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, September 26, 2012 05:24 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

FYI

---

**From:** State House News Service [mailto:[news@statehousenews.com](mailto:news@statehousenews.com)]  
**Sent:** Wednesday, September 26, 2012 5:14 PM  
**To:** [news@statehousenews.com](mailto:news@statehousenews.com)  
**Subject:** SHNS VIDEO | PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN



PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Gov. Deval Patrick told the News Service Wednesday that information obtained during a State Police interview with former state crime lab chemist Annie Dookhan caused him to shut down the lab and begin investigating the depths of the situation. "You know it's unusual for the interview notes of the State Police to be shared with the general public for that matter in the midst of a criminal investigation, but we thought it was important for this to happen," Patrick said after a Boston Globe report outlined the contents of the police report. Patrick said he's been fully briefed on Dookhan's report and that all of the state's district attorneys are taking steps to make the information available to the defense attorneys of

affected convicts. "You have it in greater detail now thanks to the Globe story, but it's the information that caused me to shut down the lab when I first learned about it and to launch these investigations and to launch the central law office so that we can get to the bottom of the individuals affected and do right by them," Patrick said. The Globe report details the State Police's questioning of Dookhan, where the former chemist admits to numerous transgressions including removing evidence from storage, forging signatures and failing to conduct proper tests of samples for "two or three years." Patrick shut down the lab in August. Officials said Monday that Dookhan handled evidence in cases involving 1,141 currently incarcerated felons. When asked if he was concerned about the report's comments on Dookhan's mental state, Patrick said he is "very concerned about the mishandling of the samples because they do bear on the quality of justice and that's what we're trying to get to the bottom of right now."

**Archived:** Tuesday, March 12, 2019 10:31:15 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR)

**Cc:** Walker, Jodi (NOR)

**Subject:** RE: Annie Dookhan case-[REDACTED]

**Sensitivity:** Normal

---

my sense would be to agree to the MTV due to it being a AD direct chemist involvement case, and set bail.  
What is the sentence that the defendant pled to/is incarcerated on?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)

**Sent:** Thursday, September 27, 2012 12:11 PM

**To:** Leone, Gerard (NOR)

**Cc:** Walker, Jodi (NOR)

**Subject:** Re: Annie Dookhan case-[REDACTED]

Gerry-just want to put this case on your radar for tomorrow-unless we hear differently from you we will continue to press for time to respond and if Judge reaches bail, would you like us to oppose or neither oppose/agree as we did w Rubin's case-  
Thanks-

**From:** Kwon, Gina (NOR)

**Sent:** Thursday, September 27, 2012 11:43 AM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)

**Cc:** Krysil, Cara (NOR)

**Subject:** RE: Annie Dookhan case-[REDACTED]

I will do my best to get another date. I spoke w/ D/C who said that he wasn't prepared to file the motion to vacate so quickly. Since Judge Fahey wants it heard by Friday, he's going to try his best to get it to me by tomorrow morning, which won't give me a lot of time. Judge Fahey's already indicated she's letting this defendant out on Friday afternoon.

**From:** Ryan, Marian (NOR)

**Sent:** Wednesday, September 26, 2012 4:01 PM

**To:** Kwon, Gina (NOR); Walker, Jodi (NOR)

**Cc:** Krysil, Cara (NOR)

**Subject:** RE: Annie Dookhan case-[REDACTED]

Gina-first get the motion asap and then speak w the clerk-we will be asking for time to respond to the motion. If no more thime, then we will craft a response.

Marian Ryan

General Counsel

Middlesex District Attorney's Office

15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

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---

**From:** Kwon, Gina (DAA) [<mailto:gina.kwon@massmail.state.ma.us>]

**Sent:** Wednesday, September 26, 2012 3:51 PM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)

**Cc:** Krysil, Cara (NOR)

**Subject:** Annie Dookhan case-[REDACTED]

Marian & Jodi,

[REDACTED] is a heroin case that plead out in Ctrm 530 on July 19, 2012. I was in Ctrm 530 this afternoon on a motion to revise and revoke (unrelated to the Annie Dookhan issue). D/C indicated that he would be filing a motion to vacate the plea since Annie Dookhan was the primary chemist on this case. Judge Fahey asked D/C to file it immediately and put it on for hearing on Friday at 2:00 pm since she is leaving the session at the end of the week.

Could you please let me know how you would like to me proceed? If you need to reach me, my cell is [REDACTED]

Thanks,  
Gina

**Archived:** Tuesday, March 12, 2019 10:31:35 AM

**From:** Ryan, Marian (NOR)

**Sent:** Fri, 28 Sep 2012 07:14:16

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Re: Dookhan

**Sensitivity:** Normal

---

So, subject to your approval, my rec to Kristen will be call D counsel, tell him motion needs to be filed and then if we get that far, argue traditional bail. Sound okay?

---

**From:** Leone, Gerard (NOR)

**Sent:** Friday, September 28, 2012 07:03 AM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Re: Dookhan

---

Excellent, point, agreed, and we have to stress this larger picture to our ADAs in taking a position in Court.

---

**From:** Ryan, Marian (NOR)

**Sent:** Friday, September 28, 2012 06:58 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)

**Subject:** Re: Dookhan

---

I think that we have to balance the D in custody against the fact that there has not been a wholesale change in the rules of criminal procedure--we should be asking the Court to require the filing of the motion to w/d as a way to have this happen in an orderly fashion and at least be able to in some way categorize and distribute to appeals/team for responses so we don't have to recreate the wheel. Otherwise, especially the way the judges seem to be moving, we will not be able to keep up w the flow of people moving for bail and will have trouble steering some of these cases back onto track-w/o re to where that ultimate result might be. The rules exist to give a structure to the handling of the case and to creating a proper record. We have to be the force thinking not just of the short term solution but of the longer range impact on the D and the CJS of these cases.

Once the motion is filed then balancing the high likelihood of success of the motion particularly on this type of fact pattern, I think that we should argue bail in the normal course-using all traditional factors.

Not a high hurdle to require D to put a motion together-many Ds entitled to relief but not beyond the scope of the damage.

---

**From:** Leone, Gerard (NOR)

**Sent:** Thursday, September 27, 2012 10:36 PM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)

**Subject:** Re: Dookhan

---

Ok.

Recommendation?

---

**From:** Ryan, Marian (NOR)

**Sent:** Thursday, September 27, 2012 05:06 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)

**Subject:** Fw: Dookhan

---

Gerry-this is on for Monday-D is seeking a to w/d his plea; stay execution of the sentence and release on PR. No motion has been filed.

Jim S and I have discussed that there does not appear to be a basis for release unless the Court actually has a pending motion for new trial (as opposed to a planned, not yet filed Motion)-I am separately forwarding a memo of Hallie's on this issue.

On that basis I think that Judge cannot grant any relief-however, if D comes in w motion, Judge may want to consider Bail, etc.

So want to be ready-  
Thank you-

---

**From:** Noto, Kristen (NOR)  
**Sent:** Thursday, September 27, 2012 04:15 PM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR); Krysil, Cara (NOR)  
**Subject:** RE: Dookhan

Annie Dookhan was the custodial chemist and performed preliminary testing and net weight for the sample. Kate Corbett was the confirmatory chemist and analyzed the GC/MS data. Defendant was charged with trafficking in cocaine > 14 g (cert says 21.57g). The police initial weighing of the bags was 24g. (17g powder/ 7 g crack). He was also charged with a school zone violation.

It appears that on day of trial we agreed to dismiss the school zone when the defendant pled guilty. There was an agreed upon recommendation of 3- 3 and 1 day.

The underlying crime [REDACTED] occurred in April 2008. While he was on release for that case, he was charged with Trafficking (DOO 10/30/10- [REDACTED] out of Lowell. The 2010 trafficking case is the one I am prosecuting now. Dookhan and JP Lab are not involved in the 2010 case. (It also appears he was arraigned in 2009 for trafficking in Ayer but that case was dismissed. I don't know what happened to that one)

He is on personal on the 2010 case. Should I agree to a stay of execution of the 2008 case, and argue for bail (change in circumstances) on the 2010 case? Do I object to the stay of execution pending a motion for new trial? I have attached the motion filed by the defendant, as well as a copy of his BOP.

Thank you,  
Kristen

Kristen Noto

Assistant District Attorney

Middlesex District Attorney's Office

151 Warren Street

Lowell, MA 01852

Office: [REDACTED]

Fax: [REDACTED]

[kristen.noto@state.ma.us](mailto:kristen.noto@state.ma.us)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Thursday, September 27, 2012 2:34 PM  
**To:** Noto, Kristen (NOR)  
**Cc:** Walker, Jodi (NOR); Krysil, Cara (NOR)  
**Subject:** Re: Dookhan

Kristen-what is AD's role-primary/secondary?  
What was sentence? Charges? Was. D given a breakdown? D's record?  
At this stage you should keep it and send us motion once received-  
Thanks

---

**From:** Noto, Kristen (NOR)  
**Sent:** Thursday, September 27, 2012 02:30 PM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR); Krysil, Cara (NOR)  
**Subject:** RE: Dookhan

Hi Marian,  
[REDACTED] is serving a sentence in state prison after a plea on a Dookhan case. On Monday, we are scheduled for a motion for stay of his sentence and release on personal recognizance, pending a motion to withdraw his plea. Should I agree to his release on personal? If not, what objection should I give? I want to make sure I am consistent with what we are doing throughout the county.

Is there a point person handling the motions for new trial, or should I keep this case? (It was previously handled by Sean Griffith). If I keep it, what discovery should I provide to the attorney?

Thank you,  
Kristen

Kristen Noto  
Assistant District Attorney  
Middlesex District Attorney's Office  
151 Warren Street  
Lowell, MA 01852

Office: [REDACTED]  
Fax: [REDACTED]  
[kristen.noto@state.ma.us](mailto:kristen.noto@state.ma.us)

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**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 26, 2012 4:24 PM  
**To:** Noto, Kristen (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: Dookhan

That will likely be the next level of discovery

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]  
Fax: [REDACTED]

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**From:** Noto, Kristen (NOR)  
**Sent:** Wednesday, September 26, 2012 4:07 PM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: Dookhan

Marian,  
The case I have ([REDACTED]) is not an active case. It pled out before the initial Dookhan discovery was provided. It is scheduled for a motion to withdraw plea/ be released on personal on October 1. What response should I give to that motion? (Assuming he is granted a new trial, I will need the 5/31/12 discovery packet.)

Thank you,  
Kristen

Kristen Noto  
Assistant District Attorney  
Middlesex District Attorney's Office  
151 Warren Street  
Lowell, MA 01852

Office: [REDACTED]  
Fax: [REDACTED]  
[kristen.noto@state.ma.us](mailto:kristen.noto@state.ma.us)

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**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, September 26, 2012 3:19 PM  
**To:** Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)  
**Cc:** Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab.  
Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.  
**Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible.**  
When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

**If you have not already provided the first discovery packet to defense counsel in those cases** (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet.

Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:31:41 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** RE: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN  
**Sensitivity:** Normal

---

agreed



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, September 27, 2012 10:56 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Yes but if we're thinking that CPCS certainly is.

Sent from my iPhone

On Sep 27, 2012, at 10:46 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Thx  
Likely your take on word choice though.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, September 27, 2012 10:36 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Got it . Tara going to make some inquiry of Mark Riley and Bedrosian as to whether notes exist and did Governor give all the reports/ notes to Globe .

Sent from my iPhone

On Sep 27, 2012, at 10:34 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

---

**From:** Maguire, Tara (DAA)

**Sent:** Wednesday, September 26, 2012 05:24 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

FYI

---

**From:** State House News Service [mailto:[news@statehousenews.com](mailto:news@statehousenews.com)]  
**Sent:** Wednesday, September 26, 2012 5:14 PM  
**To:** [news@statehousenews.com](mailto:news@statehousenews.com)  
**Subject:** SHNS VIDEO | PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN



PATRICK: DOOKHAN INTERVIEW CAUSED LAB SHUT DOWN

Gov. Deval Patrick told the News Service Wednesday that information obtained during a State Police interview with former state crime lab chemist Annie Dookhan caused him to shut down the lab and begin investigating the depths of the situation. "You know it's unusual for the interview notes of the State Police to be shared with the general public for that matter in the midst of a criminal investigation, but we thought it was important for this to happen," Patrick said after a Boston Globe report outlined the contents of the police report. Patrick said he's been fully briefed on Dookhan's report and that all of the state's district attorneys are taking steps to make the information available to the defense attorneys of affected convicts. "You have it in greater detail now thanks to the Globe story, but it's the information that caused me to shut down the lab when I first learned about it and to launch these investigations and to launch the central law office so that we can get to the bottom of the individuals affected and do right by them," Patrick said. The Globe report details the State Police's questioning of Dookhan, where the former chemist admits to numerous transgressions including removing evidence from storage, forging signatures and failing to conduct proper tests of samples for "two or three years." Patrick shut down the lab in August. Officials said Monday that Dookhan handled evidence in cases involving 1,141 currently incarcerated felons. When asked if he was concerned about the report's comments on Dookhan's mental state, Patrick said he is "very concerned about the mishandling of the samples because they do bear on the quality of justice and that's what we're trying to get to the bottom of right now."

**Archived:** Tuesday, March 12, 2019 10:31:50 AM  
**From:** Leone, Gerard (NOR)  
**To:** DAA-DL-ALL.DAs  
**Subject:** Dookhan Arrest Warrant  
**Sensitivity:** Normal

---

Has apparently issued by the AGO (?).



*Gerard T. Leone, Jr. | Middlesex District Attorney*

*15 Commonwealth Ave., Woburn, MA 01801*

 | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:31:58 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Guyotte, Stephanie (NOR)

**Subject:** RE: Annie Dookhan case-[REDACTED]

**Sensitivity:** Normal

---

ok

please make sure that we place on the record the reasons for the developments.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)

**Sent:** Friday, September 28, 2012 9:41 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Guyotte, Stephanie (NOR)

**Subject:** FW: Annie Dookhan case-[REDACTED]

**Importance:** High

Gerry-below is some additional information which I received last night from Gina re this case. As I just mentioned to you, **since this will be the first case where we are agreeing to the MTV, and Judge Fahey has indicated that she will release D, there may well be media attention.**

**The D was previously on PR, I would suggest bail in the amount of 2500 w passport surrender. Judge will likely set PR.**

As I mentioned last night, there are some additional wrinkles in this case. The defendant was indicted for PWID, Subseq. [REDACTED]

[REDACTED] I have since confirmed that this defendant is not the person in the superior court case. I was able to pull the booking photos and they look nothing alike. The defendant was previously on personal before he plead. He plead in July to a straight PWID and received 2 1/2 yrs HOC, 6 mos to serve bal susp for 3 yrs.

Marian Ryan

General Counsel

Middlesex District Attorney's Office

15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, September 28, 2012 9:37 AM  
**To:** Ryan, Marian (NOR)  
**Subject:** FW: Annie Dookhan case-[REDACTED]

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, September 27, 2012 2:09 PM  
**To:** Ryan, Marian (NOR); Pelgro, Michael (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: Annie Dookhan case-[REDACTED]

sounds good.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Thursday, September 27, 2012 2:08 PM  
**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** Fw: Annie Dookhan case-[REDACTED]

D's sentence below-Parole eligible on 10/18/12 from a HC sentence-unless you would like something different we will instruct her to agree to MTV and ask for appropriate bail-has a prior so Fahey, J. likely to set some bail-  
Thank you.

---

**From:** Kwon, Gina (NOR)  
**Sent:** Thursday, September 27, 2012 01:21 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)



**Cc:** Krysil, Cara (NOR)

**Subject:** RE: Annie Dookhan case-[REDACTED]

The defendant was sentenced to 2 ½ years HOC, 6 mos to serve, balance suspended for 3 yrs. He plead out on July 19, 2012, so he is eligible for parole on October 18<sup>th</sup>. The defendant was charged with PWID Heroin, Subsequent, which was broken down to a straight PWID Heroin for the plea. Defendant is currently in BHOC.

---

**From:** Ryan, Marian (NOR)

**Sent:** Thursday, September 27, 2012 1:20 PM

**To:** Kwon, Gina (NOR); Walker, Jodi (NOR)

**Cc:** Krysil, Cara (NOR)

**Subject:** Re: Annie Dookhan case-[REDACTED]

D's sentence and where he is he in it?

---

**From:** Kwon, Gina (NOR)

**Sent:** Thursday, September 27, 2012 11:43 AM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)

**Cc:** Krysil, Cara (NOR)

**Subject:** RE: Annie Dookhan case-[REDACTED]

I will do my best to get another date. I spoke w/ D/C who said that he wasn't prepared to file the motion to vacate so quickly. Since Judge Fahey wants it heard by Friday, he's going to try his best to get it to me by tomorrow morning, which won't give me a lot of time. Judge Fahey's already indicated she's letting this defendant out on Friday afternoon.

---

**From:** Ryan, Marian (NOR)

**Sent:** Wednesday, September 26, 2012 4:01 PM

**To:** Kwon, Gina (NOR); Walker, Jodi (NOR)

**Cc:** Krysil, Cara (NOR)

**Subject:** RE: Annie Dookhan case-[REDACTED]

Gina-first get the motion asap and then speak w the clerk-we will be asking for time to respond to the motion. If no more thime, then we will craft a response.

Marian Ryan

General Counsel

Middlesex District Attorney's Office

15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

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---

**From:** Kwon, Gina (DAA) [<mailto:gina.kwon@massmail.state.ma.us>]

**Sent:** Wednesday, September 26, 2012 3:51 PM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)

**Cc:** Krysil, Cara (NOR)

**Subject:** Annie Dookhan case-[REDACTED]

Marian & Jodi,

[REDACTED] is a heroin case that plead out in Ctrm 530 on July 19, 2012. I was in Ctrm 530 this afternoon on a motion to revise and revoke (unrelated to the Annie Dookhan issue). D/C indicated that he would be filing a motion to vacate the plea since Annie Dookhan was the primary chemist on this case. Judge Fahey asked D/C to file it immediately and put it on for hearing on Friday at 2:00 pm since she is leaving the session at the end of the week.

Could you please let me know how you would like to me proceed? If you need to reach me, my cell is [REDACTED].

Thanks,  
Gina

**Archived:** Tuesday, March 12, 2019 10:32:13 AM  
**From:** Leone, Gerard (NOR)  
**To:** Sullivan, David (NWD)  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal  
**Sensitivity:** Normal

---

agreed Dave!  
The AGO maintains the leaks came from the BMC Clerk's office



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Sullivan, David (NWD)  
**Sent:** Friday, September 28, 2012 12:27 PM  
**To:** Leone, Gerard (NOR); DAA-DL-ALL.DAs  
**Cc:** Jeremy Bucci ([jeremy.bucci@state.ma.us](mailto:jeremy.bucci@state.ma.us))  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal

Thanks Gerry. It would be prudent in the future that law enforcement be allowed to apprehend a suspect on an arrest warrant prior to the press being notified. The safety of arresting officers, and the successful apprehension of a suspect, are the top priorities. The Attorney General's Office should know better. The media leaks in the investigation make the levees at Katrina look sound.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, September 28, 2012 11:56 AM  
**To:** DAA-DL-ALL.DAs  
**Subject:** Arrest warrants issued for chemist at heart of state drug lab scandal



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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Breaking news:

**Arrest warrants issued for chemist at heart of state drug lab scandal**  
By Mark Arsenault and John R. Ellement, Globe Staff  
<http://www.boston.com/metrodesk/2012/09/28/arrest-warrants-issued-for-chemist-heart-state-drug-lab-scandal/CWKCO8JdmvCf7WlrbY5pPK/story.html>

- Annie Dookhan, the former state chemist who has sparked a scandal that may undo thousands of drug convictions in Massachusetts, is scheduled to be arraigned in Boston Municipal Court today on charges of witness intimidation and falsifying her academic record, according to law enforcement officials familiar with the case.
- State Police assigned to Attorney General Martha Coakley's office obtained the criminal complaints and an arrest warrant today and are expected to take Dookhan into custody at her home in Franklin, according to multiple law enforcement sources.
- According to State Police reports obtained by the Globe, Dookhan has already admitted to improperly removing evidence from storage, forging colleagues' signatures, and not performing proper tests on drugs for "two or three years."
- State Police have warned defense attorneys and prosecutors in eastern Massachusetts that Dookhan tested 60,000 drug samples involving 34,000 criminal cases during her nine-year career in the now-closed Department of Public Health drug lab in Jamaica Plain.
- Authorities say 1,141 people are serving drug-related sentences in state prisons and county jails in cases where she was involved in testing the drugs.
- State Police and Coakley's office allege that her mishandling of drug evidence is a crime under the broadly written witness intimidation statute.
- Dookhan claimed on her resume — and during sworn testimony — that she had a master's degree in chemistry from University of Massachusetts Boston, a claim that school officials have said was false because they have no record of issuing her such a degree.
- A Globe reporter and photographer are among the members of the media camped outside Dookhan's home today.
- At least 20 drug defendants have been freed, had their bail reduced, or had their sentences suspended, because the evidence in their cases was analyzed by Dookhan. Many more are likely to be freed as the investigation continues by attorney David E. Meier, named by Governor Deval Patrick to piece together how many prosecutions were impacted.
- The Globe has reported that Dookhan told State Police she recorded drug tests as positive when they were negative "a few times" and sometimes tested only a small sample of the drug batch that she was supposed to analyze, the Globe reported this week.
- "I messed up. I messed up bad. It's my fault," she told the state troopers who visited her Franklin home on Aug. 28. She insisted that she acted alone, saying, "I don't want the lab to get in trouble."
- The fact that a substance seized from an alleged criminal has been proven to be drugs by scientific testing is a keystone of any drug case. Law enforcement officials thus must be extremely scrupulous and painstaking about the handling of seized drugs. Otherwise, questions can arise about whether the material tested is the same material as that seized from the defendant and whether the tests performed on it were accurate.

**Archived:** Tuesday, March 12, 2019 10:32:18 AM  
**From:** Leone, Gerard (NOR)  
**To:** Welford, Corey (AGO)  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal  
**Sensitivity:** Normal

---

Wit intim is a misnomer in cases like these, although it is how the charge comes out because of the statute that was amended. I hope the leaks don't compromise your plan. Is she in custody yet?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Welford, Corey (AGO)  
**Sent:** Friday, September 28, 2012 12:06 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal

Yes, obstruction of justice.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, September 28, 2012 12:03 PM  
**To:** Welford, Corey (AGO)  
**Subject:** FW: Arrest warrants issued for chemist at heart of state drug lab scandal

"Witness intimidation" must be "obstruction of Justice" - ?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Guyotte, Stephanie (NOR)  
**Sent:** Friday, September 28, 2012 11:55 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Arrest warrants issued for chemist at heart of state drug lab scandal

Breaking news:

## Arrest warrants issued for chemist at heart of state drug lab scandal

By Mark Arsenault and John R. Ellement, Globe Staff

<http://www.boston.com/metrodesk/2012/09/28/arrest-warrants-issued-for-chemist-heart-state-drug-lab-scandal/CWKCO8JdmvCf7WlrbY5pPK/story.html>

- Annie Dookhan, the former state chemist who has sparked a scandal that may undo thousands of drug convictions in Massachusetts, is scheduled to be arraigned in Boston Municipal Court today on charges of witness intimidation and falsifying her academic record, according to law enforcement officials familiar with the case.
- State Police assigned to Attorney General Martha Coakley's office obtained the criminal complaints and an arrest warrant today and are expected to take Dookhan into custody at her home in Franklin, according to multiple law enforcement sources.
- According to State Police reports obtained by the Globe, Dookhan has already admitted to improperly removing evidence from storage, forging colleagues' signatures, and not performing proper tests on drugs for "two or three years."
- State Police have warned defense attorneys and prosecutors in eastern Massachusetts that Dookhan tested 60,000 drug samples involving 34,000 criminal cases during her nine-year career in the now-closed Department of Public Health drug lab in Jamaica Plain.
- Authorities say 1,141 people are serving drug-related sentences in state prisons and county jails in cases where she was involved in testing the drugs.
- State Police and Coakley's office allege that her mishandling of drug evidence is a crime under the broadly written witness intimidation statute.
- Dookhan claimed on her resume — and during sworn testimony — that she had a master's degree in chemistry from University of Massachusetts Boston, a claim that school officials have said was false because they have no record of issuing her such a degree.
- A Globe reporter and photographer are among the members of the media camped outside Dookhan's home today.
- At least 20 drug defendants have been freed, had their bail reduced, or had their sentences suspended, because the evidence in their cases was analyzed by Dookhan. Many more are likely to be freed as the investigation continues by attorney David E. Meier, named by Governor Deval Patrick to piece together how many prosecutions were impacted.
- The Globe has reported that Dookhan told State Police she recorded drug tests as positive when they were negative "a few times" and sometimes tested only a small sample of the drug batch that she was supposed to analyze, the Globe reported this week.
- "I messed up. I messed up bad. It's my fault," she told the state troopers who visited her Franklin home on Aug. 28. She insisted that she acted alone, saying, "I don't want the lab to get in trouble."
- The fact that a substance seized from an alleged criminal has been proven to be drugs by scientific testing is a keystone of any drug case. Law enforcement officials thus must be extremely scrupulous and painstaking about the handling of seized drugs. Otherwise, questions can arise about whether the material tested is the same material as that seized from the defendant and whether the tests performed on it were accurate.

**Archived:** Tuesday, March 12, 2019 10:32:23 AM  
**From:** Leone, Gerard (NOR)  
**To:** Verner, John (AGO)  
**Subject:** Re: Arrest warrants issued for chemist at heart of state drug lab scandal  
**Sensitivity:** Normal

---

Welcome to Beacon Hill!  
Good luck John. Hang in there.

---

**From:** Verner, John (AGO)  
**Sent:** Friday, September 28, 2012 12:09 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal

Agreed. Of course the story below was leaked (I believe directly from the BMC clerks office). Our release and MC's comments will spell out.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, September 28, 2012 12:05 PM  
**To:** Verner, John (AGO)  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal

thx  
public communication and clarification. I would get out there and clarify that, or people are gonna get the wrong impression based on how the charge reads.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Verner, John (AGO)  
**Sent:** Friday, September 28, 2012 12:04 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal

Yes. I will get you guys the report. 268/13B/iii and v ( we picked two cases right now- one we know she called positive and it was negative and one case where she lied about her qualifications at a trial)

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, September 28, 2012 11:58 AM  
**To:** Verner, John (AGO)  
**Subject:** RE: Arrest warrants issued for chemist at heart of state drug lab scandal

"Witness intimidation" must be "obstruction of Justice" - ?



Gerard T. Leone, Jr. | Middlesex District Attorney  
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---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Friday, September 28, 2012 11:55 AM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Arrest warrants issued for chemist at heart of state drug lab scandal

Breaking news:

**Arrest warrants issued for chemist at heart of state drug lab scandal**

**By Mark Arsenault and John R. Ellement, Globe Staff**

<http://www.boston.com/metrodesk/2012/09/28/arrest-warrants-issued-for-chemist-heart-state-drug-lab-scandal/CWKCO8JdmvCf7WlrbY5pPK/story.html>

- Annie Dookhan, the former state chemist who has sparked a scandal that may undo thousands of drug convictions in Massachusetts, is scheduled to be arraigned in Boston Municipal Court today on charges of witness intimidation and falsifying her academic record, according to law enforcement officials familiar with the case.
- State Police assigned to Attorney General Martha Coakley's office obtained the criminal complaints and an arrest warrant today and are expected to take Dookhan into custody at her home in Franklin, according to multiple law enforcement sources.
- According to State Police reports obtained by the Globe, Dookhan has already admitted to improperly removing evidence from storage, forging colleagues' signatures, and not performing proper tests on drugs for "two or three years."
- State Police have warned defense attorneys and prosecutors in eastern Massachusetts that Dookhan tested 60,000 drug samples involving 34,000 criminal cases during her nine-year career in the now-closed Department of Public Health drug lab in Jamaica Plain.
- Authorities say 1,141 people are serving drug-related sentences in state prisons and county jails in cases where she was involved in testing the drugs.
- State Police and Coakley's office allege that her mishandling of drug evidence is a crime under the broadly written witness intimidation statute.
- Dookhan claimed on her resume — and during sworn testimony — that she had a master's degree in chemistry from University of Massachusetts Boston, a claim that school officials have said was false because they have no record of issuing her such a degree.
- A Globe reporter and photographer are among the members of the media camped outside Dookhan's home today.
- At least 20 drug defendants have been freed, had their bail reduced, or had their sentences suspended, because the evidence in their cases was analyzed by Dookhan. Many more are likely to be freed as the investigation continues by attorney David E. Meier, named by Governor Deval Patrick to piece together how many prosecutions were impacted.



- The Globe has reported that Dookhan told State Police she recorded drug tests as positive when they were negative “a few times” and sometimes tested only a small sample of the drug batch that she was supposed to analyze, the Globe reported this week.
- “I messed up. I messed up bad. It’s my fault,” she told the state troopers who visited her Franklin home on Aug. 28. She insisted that she acted alone, saying, “I don’t want the lab to get in trouble.”
- The fact that a substance seized from an alleged criminal has been proven to be drugs by scientific testing is a keystone of any drug case. Law enforcement officials thus must be extremely scrupulous and painstaking about the handling of seized drugs. Otherwise, questions can arise about whether the material tested is the same material as that seized from the defendant and whether the tests performed on it were accurate.

**Archived:** Tuesday, March 12, 2019 10:32:27 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA); DAA-DL-ALL.DAs  
**Subject:** RE: Dookhan Arrest Warrant  
**Sensitivity:** Normal

---

they should get the public communication component right in clarifying the "Intimidation of Witness" charge must be under the "obstruction of justice" component (?).



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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---

**From:** Maguire, Tara (DAA)  
**Sent:** Friday, September 28, 2012 12:02 PM  
**To:** Leone, Gerard (NOR); DAA-DL-ALL.DAs  
**Subject:** RE: Dookhan Arrest Warrant

Ed Bedrosian called me just before the DA conference call to notify you that an arrest warrant has been issued; Annie Dookhan would likely be picked up around Noon, and arraigned in Boston at 2 PM. These charges are based on 2 Suffolk cases – one in which she testified that she had a Master's Degree, and one in which she signed the drug cert, when in fact the substance was not actually illegal.

I mentioned this at the beginning of the call, but perhaps before all DAs were all the line.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, September 28, 2012 11:55 AM  
**To:** DAA-DL-ALL.DAs  
**Subject:** Dookhan Arrest Warrant

Has apparently issued by the AGO (?).



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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**Archived:** Tuesday, March 12, 2019 10:32:31 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Cc:** Leone, Gerard (NOR)

**Bcc:** Maguire, Tara (DAA)

**Subject:** JP Lab STATE DRUG LAB CHEMIST ARRESTED FOR OBSTRUCTION OF JUSTICE

**Sensitivity:** Normal

---

fyi



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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**FOR IMMEDIATE RELEASE**

**September 28, 2012**

**MEDIA CONTACT:**

**Brad Puffer**

**Emalie Gainey**  
[REDACTED]

**STATE DRUG LAB CHEMIST ARRESTED FOR OBSTRUCTION OF JUSTICE**

*Employee at Hinton State Lab Allegedly Lied About Integrity of Evidence, Her Qualifications*

**BOSTON** – A former chemist at the Hinton State Laboratory Institute has been arrested on charges she obstructed justice by lying about the integrity of evidence as well as about her educational qualifications, Attorney General Martha Coakley's Office announced today.

Annie Dookhan, 34, of Franklin, was arrested at her home today, without incident, by Massachusetts State Police assigned to the AG's Office. She is charged with Obstruction of Justice (Misleading a Jury, Judge, Prosecutor, and Defense Lawyer), Obstruction of Justice (Misleading a Prosecutor), and Falsely Pretending to Hold a Degree from a College or University.

"Annie Dookhan's alleged actions corrupted the integrity of the criminal justice system," AG Coakley said. "A fair and effective justice system not only protects those directly involved in the courts, but the public's safety beyond it. The public deserves a criminal justice system that they can trust, and we are committed to holding those responsible for this breakdown accountable and fixing it moving forward."

In July, the AG's Office began a criminal investigation into the matter after there were allegations of impropriety at the Hinton State Laboratory. Dookhan was employed as a chemist in the drug analysis unit of the Hinton State Lab in Jamaica Plain, which tested drug evidence submitted by law enforcement across the state. In her capacity as a chemist, Dookhan would analyze drug evidence and at times testified in court as to her findings.

Authorities allege that in March of 2011, Dookhan tested samples from a Suffolk County narcotics case and determined the samples to be cocaine. Investigation revealed that she issued and signed two certificates of analysis under a notary seal that the samples were cocaine. Dookhan forwarded those certificates and her curriculum vitae, which stated that she had a master's in chemistry, to the prosecutor's office. Further testing done within the last week by the Massachusetts State Police Crime Laboratory determined that both substances were negative for illegal narcotics.

Authorities also allege that in August 2010 in Suffolk Superior Court, Dookhan testified under oath before a jury, judge, prosecutor and defense lawyer and stated that she had a master's of chemistry from the University of Massachusetts in Boston. Dookhan allegedly reaffirmed that statement during cross-examination. However, further investigation revealed that she did not hold a master's from University of Massachusetts nor was she ever enrolled as a student in master's level classes.

In the spring of 2011, Dookhan allegedly tested a drug sample from a case and determined the sample to be cocaine. According to investigators, when the sample was then tested by a mass spectrometry, a machine that analyzes suspected narcotics to confirm test results done by the original chemist, the samples twice tested negative for cocaine.

Dookhan was arrested today by Massachusetts State Police assigned to the AG's Office. She will be arraigned this afternoon in Boston Municipal Court.

These charges are allegations, and the defendant is presumed innocent until proven guilty.

The criminal case is being handled by Assistant Attorney General John Verner, Chief of AG Coakley's Criminal Bureau and Assistant Attorney General Anne Kaczmarek of AG Coakley's Enterprise and Major Crimes Division. It is being investigated by Massachusetts State Police assigned to the Attorney General's Office.

#####

**Archived:** Tuesday, March 12, 2019 10:32:37 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** RE: [REDACTED]; on now  
**Sensitivity:** Normal

---

Nice

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 3:00 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: [REDACTED]; on now

Judge Fahey agrees w us and is forcing D to file the motion to vacate COP today and then addressing bail- Gina will agree to PR as instructed-

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 02:51 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: [REDACTED]; on now

I agree, but just so there is no confusion, he does have a prior w/i - rest of his record is minor-m/v, etc.

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Friday, September 28, 2012 02:34 PM  
To: Walker, Jodi (NOR); Ryan, Marian (NOR)  
Subject: Re: [REDACTED]; on now

PR sounds ok

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Friday, September 28, 2012 02:28 PM  
To: Ryan, Marian (NOR); Leone, Gerard (NOR)  
Subject: RE: [REDACTED]; on now

Marian - Assuming Judge Fahey reaches the bail issue (over our objection as the DC has not yet filed a motion to withdraw the plea), I think that we agree to personal, as we did originally at the time of his arraignment on this matter. Defendant has a minimal record. It is a Dookhan primary case after all.

From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 2:01 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Fw: [REDACTED]

Below is email Gina just received from D counsel re today. I have provided her w Hallie's memo and instructed her to hold to our position that judge cannot act on sentence w/o motion to w/d COP or new trial. If they reach the bail ?, Gina has found DCt file and original arraignment notes, not only was PR set, but we agreed to PR-D does have a prior Poss w/i for which he rec'd probation, but him now having served much of the sentence and the case weakened by AD issues may affect our credibility in now asking for cash bail- would you be agreeable to either PR again or a modest (500 or so) cash bail- Gina is having case held for second call-

----- Original Message -----  
From: Kwon, Gina (DAA) [<mailto:gina.kwon@massmail.state.ma.us>]  
Sent: Friday, September 28, 2012 01:49 PM  
To: Ryan, Marian (NOR)  
Subject: Fw: [REDACTED]

-----Original Message-----  
From: John Osler <[josler@publiccounsel.net](mailto:josler@publiccounsel.net)>  
Date: Fri, 28 Sep 2012 13:35:41  
To: Kwon, Gina (NOR)<[Gina.Kwon@MassMail.State.MA.US](mailto:Gina.Kwon@MassMail.State.MA.US)>  
Subject: [REDACTED]

Gina -- I've decided that I am filing a motion to stay ONLY at this time. I am not filing the motion to withdraw the plea. Attached is a modified motion to stay (modified from the one I sent you last night.)

See you in court.

JOhn

**Archived:** Tuesday, March 12, 2019 10:32:39 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** RE: [REDACTED]; on now  
**Sensitivity:** Normal

---

Yes  
If no violence on record.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----  
From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 3:05 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: [REDACTED]; on now

No default history-  
Prior drug offense-other minor record-  
Case weakened by AD issues-primary chemist- D has serve much of sentence- May she agree to PR?

----- Original Message -----  
From: Leone, Gerard (NOR)  
Sent: Friday, September 28, 2012 03:02 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: RE: [REDACTED]; on now

Bail per the bail statute factors, Corresponding to those factors.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 2:51 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: [REDACTED]; on now

I agree, but just so there is no confusion, he does have a prior w/i - rest of his record is minor-m/v, etc.

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Friday, September 28, 2012 02:34 PM  
To: Walker, Jodi (NOR); Ryan, Marian (NOR)  
Subject: Re: [REDACTED]; on now

PR sounds ok

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Friday, September 28, 2012 02:28 PM  
To: Ryan, Marian (NOR); Leone, Gerard (NOR)  
Subject: RE: [REDACTED]; on now

Marian - Assuming Judge Fahey reaches the bail issue (over our objection as the DC has not yet filed a motion to withdraw the plea), I think that we agree to personal, as we did originally at the time of his arraignment on this matter. Defendant has a minimal record. It is a Dookhan primary case after all.

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Sent: Friday, September 28, 2012 2:01 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
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----- Original Message -----

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Sent: Friday, September 28, 2012 01:49 PM  
To: Ryan, Marian (NOR)  
Subject: Fw: [REDACTED]

-----Original Message-----

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Subject: [REDACTED]

Gina -- I've decided that I am filing a motion to stay ONLY at this time. I am not filing the motion to withdraw



the plea. Attached is a modified motion o stay (modifiedfrom the one I sent you last night.)

See you in court.

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**Archived:** Tuesday, March 12, 2019 10:32:43 AM  
**From:** Leone, Gerard (NOR)  
**To:** Welford, Corey (AGO)  
**Subject:** RE: STATE DRUG LAB CHEMIST ARRESTED FOR OBSTRUCTION OF JUSTICE  
**Sensitivity:** Normal

---

phew!  
Nice quote.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

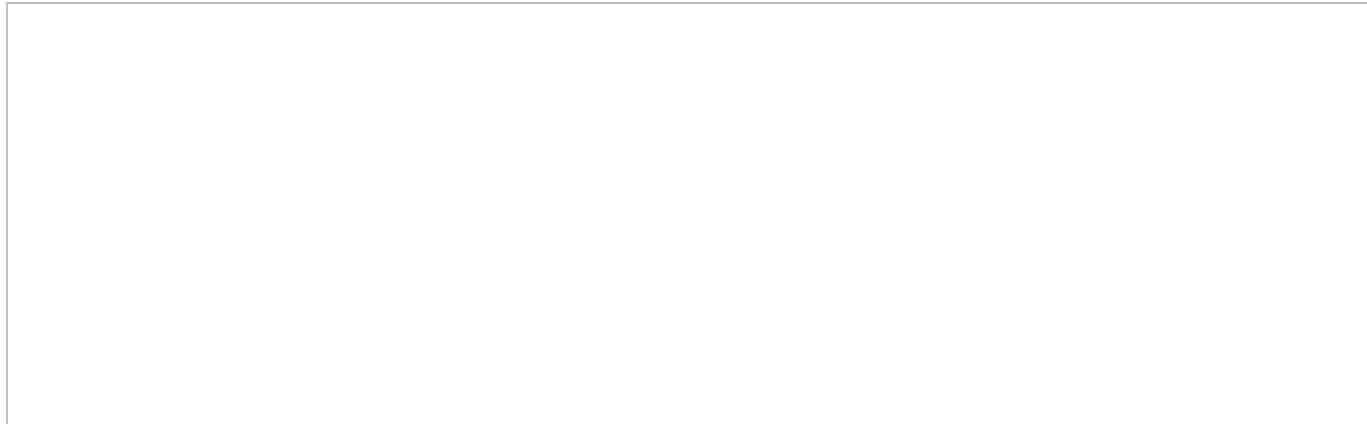
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**From:** Welford, Corey (AGO)  
**Sent:** Friday, September 28, 2012 1:44 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Fw: STATE DRUG LAB CHEMIST ARRESTED FOR OBSTRUCTION OF JUSTICE

---

**From:** Gainey, Emalie (AGO)  
**Sent:** Friday, September 28, 2012 01:40 PM  
**Subject:** STATE DRUG LAB CHEMIST ARRESTED FOR OBSTRUCTION OF JUSTICE



**FOR IMMEDIATE RELEASE**  
**September 28, 2012**

**MEDIA CONTACT:**  
**Brad Puffer**  
**Emalie Gainey**  
[REDACTED]

**STATE DRUG LAB CHEMIST ARRESTED FOR OBSTRUCTION OF JUSTICE**  
*Employee at Hinton State Lab Allegedly Lied About Integrity of Evidence, Her Qualifications*

**BOSTON** – A former chemist at the Hinton State Laboratory Institute has been arrested on charges she obstructed justice by lying about the integrity of evidence as well as about her educational qualifications, Attorney General Martha Coakley's

Office announced today.

Annie Dookhan, 34, of Franklin, was arrested at her home today, without incident, by Massachusetts State Police assigned to the AG's Office. She is charged with Obstruction of Justice (Misleading a Jury, Judge, Prosecutor, and Defense Lawyer), Obstruction of Justice (Misleading a Prosecutor), and Falsely Pretending to Hold a Degree from a College or University.

"Annie Dookhan's alleged actions corrupted the integrity of the criminal justice system," AG Coakley said. "A fair and effective justice system not only protects those directly involved in the courts, but the public's safety beyond it. The public deserves a criminal justice system that they can trust, and we are committed to holding those responsible for this breakdown accountable and fixing it moving forward."

In July, the AG's Office began a criminal investigation into the matter after there were allegations of impropriety at the Hinton State Laboratory. Dookhan was employed as a chemist in the drug analysis unit of the Hinton State Lab in Jamaica Plain, which tested drug evidence submitted by law enforcement across the state. In her capacity as a chemist, Dookhan would analyze drug evidence and at times testified in court as to her findings.

Authorities allege that in March of 2011, Dookhan tested samples from a Suffolk County narcotics case and determined the samples to be cocaine. Investigation revealed that she issued and signed two certificates of analysis under a notary seal that the samples were cocaine. Dookhan forwarded those certificates and her curriculum vitae, which stated that she had a master's in chemistry, to the prosecutor's office. Further testing done within the last week by the Massachusetts State Police Crime Laboratory determined that both substances were negative for illegal narcotics.

Authorities also allege that in August 2010 in Suffolk Superior Court, Dookhan testified under oath before a jury, judge, prosecutor and defense lawyer and stated that she had a master's of chemistry from the University of Massachusetts in Boston. Dookhan allegedly reaffirmed that statement during cross-examination. However, further investigation revealed that she did not hold a master's from University of Massachusetts nor was she ever enrolled as a student in master's level classes.

In the spring of 2011, Dookhan allegedly tested a drug sample from a case and determined the sample to be cocaine. According to investigators, when the sample was then tested by a mass spectrometry, a machine that analyzes suspected narcotics to confirm test results done by the original chemist, the samples twice tested negative for cocaine.

Dookhan was arrested today by Massachusetts State Police assigned to the AG's Office. She will be arraigned this afternoon in Boston Municipal Court.

These charges are allegations, and the defendant is presumed innocent until proven guilty.

The criminal case is being handled by Assistant Attorney General John Verner, Chief of AG Coakley's Criminal Bureau and Assistant Attorney General Anne Kaczmarek of AG Coakley's Enterprise and Major Crimes Division. It is being investigated by Massachusetts State Police assigned to the Attorney General's Office.

#####

**Archived:** Tuesday, March 12, 2019 10:32:48 AM  
**From:** Guyotte, Stephanie (NOR)  
**Sent:** Fri, 28 Sep 2012 16:06:35  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Dookhan Arraignment coverage  
**Sensitivity:** Normal

---

**Bail set at \$10,000 after arraignment of Annie Dookhan, chemist in state drug lab scandal**

**By Mark Arsenault, Milton J. Valencia, John Tlumacki and John R. Ellement, Globe Staff**

<http://www.boston.com/metrodesk/2012/09/28/arrest-warrants-issued-for-chemist-heart-state-drug-lab-scandal/CWKCO8JdmvCf7WlrbY5pPK/story.html>

- The chemist at the heart of the state drug lab scandal that has sent shock waves through the Massachusetts criminal justice system would alter drug samples, sprinkling real cocaine in with a non-drug substance in order to make the test turn out positive, a prosecutor said today in court.
- Annie Dookhan also admitted she would grab a pile of 25 samples, test about five, and then list them all as positive, said Assistant Attorney General John Varner.
- Varner spoke as Dookhan, whose mishandling of evidence over a multi-year period may ultimately undo thousands of drug convictions, was arraigned in Boston Municipal Court.
- Judge Mark Summerville set bail at \$10,000, which her attorney said she expected to post today. Once free on bail, she must turn over her passport and wear a GPS monitoring device. She can have no contact with her former colleagues and must be in her house from 6 p.m. to 6 a.m. Another hearing was set for Dec. 3.
- Dookhan's family and defense attorney left the courthouse without commenting.
- Dookhan was arrested by State Police at her Franklin home this morning. She faces two counts of obstruction of justice and one count of falsifying her academic records.
- Attorney General Martha Coakley said at a news conference before the arraignment that Dookhan's actions had "corrupted the integrity of the entire criminal justice system."
- "This is the beginning," Coakley said, noting that Dookhan faces up to 20 years if given the maximum for the obstruction of justice charges and 2½ years for falsifying her academic record. "This is not the end of the charging. ... Her actions totally turned the system on its head."
- Coakley said that Dookhan has cooperated with investigators, and the only motive that has so far emerged for her actions was Dookhan's goal to be considered an effective worker at the Jamaica Plain drug lab.
- "We have not identified a motive," Coakley said, noting that in other cases of evidence mishandling suspects had drug problems or needed money.
- Coakley said she did not currently anticipate criminal charges being filed against any of Dookhan's co-workers at the now-closed Department of Public Health lab, but also said a sweeping investigation into the lab was underway.
- Coakley said defendants were tried based on tainted evidence and the public as a whole has been victimized by Dookhan. "People absolutely deserve a system they can trust," Coakley said, adding that repairing that trust "is going to take time and it's going to be a complicated project."
- Dookhan was arrested this morning. With her hands handcuffed behind her back and state troopers escorting her, Dookhan walked out of her home and into a police cruiser, as a large collection of reporters looked on.
- Dookhan wore glasses, her hair was tied back, and she wore jeans and a gray sweatshirt. She did not say anything to the media. Before the cruiser drove away, her husband stepped out of the house, spoke briefly to a state trooper, and returned inside.
- Dookhan is charged with lying about the integrity of drug evidence she analyzed in two instances and lying under oath about having a master's degree in chemistry, the attorney general's office said in a statement.

- According to State Police reports obtained this week by the Globe, Dookhan has admitted to improperly removing drug evidence from storage, forging colleagues' signatures, and not performing proper tests on drug evidence for "two or three years."
- State Police have warned defense attorneys and prosecutors in eastern Massachusetts that Dookhan tested 60,000 drug samples involving 34,000 criminal cases during her nine-year career in the now-closed Department of Public Health drug lab.
- Authorities say 1,141 people are serving drug-related sentences in state prisons and county jails in cases where she was involved in testing the drugs.
- Prosecutors say that she was charged under a state law that forbids misleading "a judge, juror, grand juror, prosecutor, police officer, federal agent, investigator, defense attorney, clerk, court officer, probation officer or parole officer."
- Dookhan also claimed on her resume — and during sworn testimony — that she had a master's degree in chemistry from the University of Massachusetts Boston, a claim that school officials have said was false because they have no record of issuing her such a degree.
- At least 20 drug defendants have been freed, had their bail reduced, or had their sentences suspended, because the evidence in their cases was analyzed by Dookhan. Many more are likely to be freed as the investigation continues by attorney David E. Meier, named by Governor Deval Patrick to determine the scope of the scandal's impact.
- Dookhan told State Police she recorded drug tests as positive when they were negative "a few times" and sometimes tested only a small sample of the drug batch that she was supposed to analyze, the Globe reported this week, based on the State Police report.
- "I messed up. I messed up bad. It's my fault," she told troopers who visited her Franklin home on Aug. 28. She insisted that she acted alone, saying, "I don't want the lab to get in trouble."
- The fact that a substance seized from an alleged criminal has been proven to be drugs by scientific testing is a keystone of any drug case. Law enforcement officials thus must be extremely scrupulous and painstaking about the handling of seized drugs. Otherwise, questions can arise about whether the material tested is the same material as that seized from the defendant and whether the tests performed on it were accurate.

**Archived:** Tuesday, March 12, 2019 10:34:54 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'gina.kwon@state.ma.us'; Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Stanton, Courtney (NOR)  
**Subject:** RE: [REDACTED]-Dookhan case  
**Sensitivity:** Normal

---

Thank you Gina.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

-----Original Message-----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 3:55 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Cc: Stanton, Courtney (NOR); Leone, Gerard (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Hello all,

D/C filed his motion to stay the sentence. I argued against it stating the Ct could not stay the sentence without some type of motion for new trial or a motion to vacate the plea. Judge Fahey seemed intent on letting the defendant out. I explained to the judge that the CW was prepared to assent to a motion to vacate the plea based on all the discovery we have received in re: Annie Dookhan. D/C then informed the court that he was not sure he wanted to file a motion for new trial/vacate the plea because his exposure could be greater in the end should the CW be able to go forward on this case. Judge Fahey seemed to agree and did not want to limit the defendant's options in this case. She allowed the motion the stay "without prejudice" and put the case on for January 8th.

The defendant was released today on personal. Bail warnings were given.

Please let me know if you need further information.

-----Original Message-----

From: "Ryan, Marian (NOR)" <Marian.Ryan@MassMail.State.MA.US>  
Date: Fri, 28 Sep 2012 15:25:28  
To: Kwon, Gina (NOR) <Gina.Kwon@MassMail.State.MA.US>; Walker, Jodi (NOR) <Jodi.Walker@MassMail.State.MA.US>  
Cc: Stanton, Courtney (NOR) <Courtney.Stanton@Massmail.State.Ma.Us>; Leone, Gerard (NOR) <Gerry.Leone@MassMail.State.MA.US>  
Subject: Re: [REDACTED]-Dookhan case

You have permission to agree to PR-passport surrender if appropriate and bail warnings re any new offenses

to be given on the record.  
Please keep me posted.

----- Original Message -----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 03:18 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: RE: [REDACTED]-Dookhan case

None. Just drugs and minor MV charges. 2 probation defaults. Record is 2 pgs long.

---

From: Ryan, Marian (DAA) [marian.ryan@massmail.state.ma.us]  
Sent: Friday, September 28, 2012 3:13 PM  
To: Kwon, Gina (NOR); Walker, Jodi (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Any violent offenses on his record?

----- Original Message -----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 02:56 PM  
To: Ryan, Marian (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Marian--just an update. D/C is going to file his motion to vacate and ask that the court not take any action on it and then file his motion to stay the sentence.

-----Original Message-----

From: "Ryan, Marian (NOR)" <marian.ryan@massmail.state.ma.us>  
Date: Fri, 28 Sep 2012 11:47:46  
To: Kwon, Gina (NOR)<Gina.Kwon@MassMail.State.MA.US>  
Subject: Re: [REDACTED]-Dookhan case

Am I remembering correctly that motion has already been filed?

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 10:19 AM  
To: 'gina.kwon@state.ma.us' <gina.kwon@state.ma.us>  
Subject: Re: [REDACTED]-Dookhan case

Thx

----- Original Message -----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 10:15 AM  
To: Ryan, Marian (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Sounds good. I'll call you then. Thanks!

-----Original Message-----

From: Ryan, Marian (NOR)  
To: Kwon, Gina (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: Re: [REDACTED]-Dookhan case  
Sent: Sep 28, 2012 9:59 AM

Have your instructions-talk at 12:30??

----- Original Message -----

From: Kwon, Gina (DAA) [<mailto:gina.kwon@massmail.state.ma.us>]

Sent: Friday, September 28, 2012 08:37 AM

To: Ryan, Marian (NOR)

Subject: [REDACTED]-Dookhan case

Hi Marian,

As I mentioned last night, there are some additional wrinkles in this case. The defendant was indicted for PWID, Subseq. [REDACTED]

[REDACTED] I have since confirmed that this defendant is not the person in the superior court case. I was able to pull the booking photos and they look nothing alike. The defendant was previously on personal before he plead. He plead in July to a straight PWID and received 2 1/2 yrs HOC, 6 mos to serve bal susp for 3 yrs.

If you need anything further please don't hesitate to call.

Thanks,  
Gina



**Archived:** Tuesday, March 12, 2019 10:34:57 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Stanton, Courtney (NOR)  
**Subject:** RE: [REDACTED]-Dookhan case  
**Sensitivity:** Normal

---

We want to avoid that.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 4:06 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Cc: Stanton, Courtney (NOR); Leone, Gerard (NOR)  
Subject: Re: [REDACTED]-Dookhan case

He did NOT file his motion to vacate. Only his motion to stay.

-----Original Message-----

From: "Ryan, Marian (NOR)" <marian.ryan@massmail.state.ma.us>  
Date: Fri, 28 Sep 2012 15:57:15  
To: Kwon, Gina (NOR)<Gina.Kwon@MassMail.State.MA.US>; Walker, Jodi (NOR)  
<Jodi.Walker@MassMail.State.MA.US>  
Cc: Stanton, Courtney (NOR)<Courtney.Stanton@Massmail.State.Ma.Us>; Leone, Gerard (NOR)  
<Gerry.Leone@MassMail.State.MA.US>  
Subject: Re: [REDACTED]-Dookhan case

Did D file the motion to vacate?

----- Original Message -----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 03:55 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Cc: Stanton, Courtney (NOR); Leone, Gerard (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Hello all,

D/C filed his motion to stay the sentence. I argued against it stating the Ct could not stay the sentence without some type of motion for new trial or a motion to vacate the plea. Judge Fahey seemed intent on letting the

defendant out. I explained to the judge that the CW was prepared to assent to a motion to vacate the plea based on all the discovery we have received in re: Annie Dookhan. D/C then informed the court that he was not sure he wanted to file a motion for new trial/vacate the plea because his exposure could be greater in the end should the CW be able to go forward on this case. Judge Fahey seemed to agree and did not want to limit the defendant's options in this case. She allowed the motion the stay "without prejudice" and put the case on for January 8th.

The defendant was released today on personal. Bail warnings were given.

Please let me know if you need further information.

-----Original Message-----

From: "Ryan, Marian (NOR)" <Marian.Ryan@MassMail.State.MA.US>

Date: Fri, 28 Sep 2012 15:25:28

To: Kwon, Gina (NOR)<Gina.Kwon@MassMail.State.MA.US>; Walker, Jodi (NOR)

<Jodi.Walker@MassMail.State.MA.US>

Cc: Stanton, Courtney (NOR)<Courtney.Stanton@Massmail.State.Ma.Us>; Leone, Gerard (NOR)

<Gerry.Leone@MassMail.State.MA.US>

Subject: Re: [REDACTED]-Dookhan case

You have permission to agree to PR-passport surrender if appropriate and bail warnings re any new offenses to be given on the record.

Please keep me posted.

----- Original Message -----

From: Kwon, Gina (NOR)

Sent: Friday, September 28, 2012 03:18 PM

To: Ryan, Marian (NOR); Walker, Jodi (NOR)

Subject: RE: [REDACTED]-Dookhan case

None. Just drugs and minor MV charges. 2 probation defaults. Record is 2 pgs long.

---

From: Ryan, Marian (DAA) [marian.ryan@massmail.state.ma.us]

Sent: Friday, September 28, 2012 3:13 PM

To: Kwon, Gina (NOR); Walker, Jodi (NOR)

Subject: Re: [REDACTED]-Dookhan case

Any violent offenses on his record?

----- Original Message -----

From: Kwon, Gina (NOR)

Sent: Friday, September 28, 2012 02:56 PM

To: Ryan, Marian (NOR)

Subject: Re: [REDACTED]-Dookhan case

Marian--just an update. D/C is going to file his motion to vacate and ask that the court not take any action on it and then file his motion to stay the sentence.

-----Original Message-----

From: "Ryan, Marian (NOR)" <marian.ryan@massmail.state.ma.us>

Date: Fri, 28 Sep 2012 11:47:46

To: Kwon, Gina (NOR)<Gina.Kwon@MassMail.State.MA.US>

Subject: Re: [REDACTED]-Dookhan case

Am I remembering correctly that motion has already been filed?

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 10:19 AM  
To: 'gina.kwon@state.ma.us' <gina.kwon@state.ma.us>  
Subject: Re: [REDACTED]-Dookhan case

Thx

----- Original Message -----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 10:15 AM  
To: Ryan, Marian (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Sounds good. I'll call you then. Thanks!

-----Original Message-----

From: Ryan, Marian (NOR)  
To: Kwon, Gina (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: Re: Guillermo Montijo-Dookhan case  
Sent: Sep 28, 2012 9:59 AM

Have your instructions-talk at 12:30??

----- Original Message -----

From: Kwon, Gina (DAA) [<mailto:gina.kwon@massmail.state.ma.us>]  
Sent: Friday, September 28, 2012 08:37 AM  
To: Ryan, Marian (NOR)  
Subject: [REDACTED]-Dookhan case

Hi Marian,

As I mentioned last night, there are some additional wrinkles in this case. [REDACTED]

[REDACTED] I have since confirmed that this defendant is not the person in the superior court case. I was able to pull the booking photos and they look nothing alike. The defendant was previously on personal before he plead. He plead in July to a straight PWID and received 2 1/2 yrs HOC, 6 mos to serve bal susp for 3 yrs.

If you need anything further please don't hesitate to call.

Thanks,  
Gina

**Archived:** Tuesday, March 12, 2019 10:34:59 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** RE: [REDACTED]-Dookhan case  
**Sensitivity:** Normal

---

ok

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Friday, September 28, 2012 3:22 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Fw: [REDACTED]-Dookhan case

I think that agreeing to PR would be reasonable with your approval-

----- Original Message -----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 03:18 PM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: RE: [REDACTED]-Dookhan case

None. Just drugs and minor MV charges. 2 probation defaults. Record is 2 pgs long.

---

From: Ryan, Marian (DAA) [marian.ryan@massmail.state.ma.us]  
Sent: Friday, September 28, 2012 3:13 PM  
To: Kwon, Gina (NOR); Walker, Jodi (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Any violent offenses on his record?

----- Original Message -----

From: Kwon, Gina (NOR)  
Sent: Friday, September 28, 2012 02:56 PM  
To: Ryan, Marian (NOR)  
Subject: Re: [REDACTED]-Dookhan case

Marian--just an update. D/C is going to file his motion to vacate and ask that the court not take any action on it and then file his motion to stay the sentence.

-----Original Message-----

From: "Ryan, Marian (NOR)" <marian.ryan@massmail.state.ma.us>

Date: Fri, 28 Sep 2012 11:47:46

To: Kwon, Gina (NOR) <Gina.Kwon@MassMail.State.MA.US>

Subject: Re: [REDACTED]-Dookhan case

Am I remembering correctly that motion has already been filed?

----- Original Message -----

From: Ryan, Marian (NOR)

Sent: Friday, September 28, 2012 10:19 AM

To: 'gina.kwon@state.ma.us' <gina.kwon@state.ma.us>

Subject: Re: [REDACTED]-Dookhan case

Thx

----- Original Message -----

From: Kwon, Gina (NOR)

Sent: Friday, September 28, 2012 10:15 AM

To: Ryan, Marian (NOR)

Subject: Re: [REDACTED]-Dookhan case

Sounds good. I'll call you then. Thanks!

-----Original Message-----

From: Ryan, Marian (NOR)

To: Kwon, Gina (NOR)

Cc: Walker, Jodi (NOR)

Subject: Re: [REDACTED]-Dookhan case

Sent: Sep 28, 2012 9:59 AM

Have your instructions-talk at 12:30??

----- Original Message -----

From: Kwon, Gina (DAA) [<mailto:gina.kwon@massmail.state.ma.us>]

Sent: Friday, September 28, 2012 08:37 AM

To: Ryan, Marian (NOR)

Subject: [REDACTED]-Dookhan case

Hi Marian,

As I mentioned last night, there are some additional wrinkles in this case. [REDACTED]

[REDACTED] I have since confirmed that this defendant is not the person in the superior court case. I was able to pull the booking photos and they look nothing alike. The defendant was previously on personal before he plead. He plead in July to a straight PWID and received 2 1/2 yrs HOC, 6 mos to serve bal susp for 3 yrs.

If you need anything further please don't hesitate to call.

Thanks,  
Gina

**Archived:** Tuesday, March 12, 2019 10:35:02 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Cc:** Guyotte, Stephanie (NOR)  
**Subject:** Re: Useful JP Lab Timeline from Globe  
**Sensitivity:** Normal

---

Thanks

----- Original Message -----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Saturday, September 29, 2012 07:15 AM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Subject: Useful JP Lab Timeline from Globe

Globe article on line today is below.

I am assuming this is accurate and based upon Globe's receipt of discovery packet from DA Sutter's office or a case from that region, which is posted as a PDF on their website, by the way.  
Reports may help give us some back-stop of 2007.

\*\*\*\*\*

Timeline of events in disgraced Mass. chemist case  
By Associated Press  
AP / September 27, 2012  
E-mail | Print | Reprints | Comments (5)Text Size:→

BOSTON (AP) — A timeline of events surrounding Annie Dookhan, the chemist at the center of a scandal at the Massachusetts state drug lab, based on police interviews with chemists at the Hinton state lab who worked with Dookhan, and with Dookhan herself:

- Sometime in 2007-2008: A lab supervisor first notices Dookhan is testing an unusually high number of drug samples. He notifies her immediate supervisor.
- 2009: The supervisor doesn't get the feedback he is looking for, so he goes to another supervisor and says he's concerned that Dookhan is testing so many samples that she might not be doing all the tests she should be. He says he never saw her in front of a microscope.
- 2010: Due to concerns, chemists audit Dookhan's work. Her paperwork is reviewed but no samples are retested. No wrongdoing is found.
- Dec. 2010: Another chemist reports his concerns about Dookhan's unusually high output to two supervisors. He's told to take his concerns to a higher-level supervisor.
- Feb. 2011: The chemist says he noticed on a monthly report that Dookhan claimed to have tested 500 samples. The average chemist could do 50 to 150 samples a month.
- March 2011: A chemist notices Dookhan put her initials on lab sheets as the second chemist for samples she had not seen or set up.

— June 10, 2011 — Dookhan falsifies a report with another chemist's initials. She tells police, "There was no one available — no one has the time — I wanted to get the work done."

— June 14, 2011 — Dookhan takes 90 specific samples and doesn't sign them out properly.

— June 21, 2011 — Lab supervisors meet with Dookhan to ask what happened with the samples in question. Dookhan doesn't respond and says she doesn't know what happened. One supervisor says the three feel the incident does not affect her casework, but he realizes that in hindsight they should have notified the Quincy Police Department and the Norfolk District Attorney's office, whose samples were affected. He feels Dookhan had a mental breakdown.

— March 2012 — Dookhan resigns from the lab pending an investigation.

— Aug. 28, 2012 — Police interview Dookhan at her home and she admits wrongdoing.

— Aug. 30, 2012 — The lab is shut down

**Archived:** Tuesday, March 12, 2019 10:35:08 AM

**From:** Leone, Gerard (NOR)

**To:** Blodgett, Jonathan (EAS)

**Cc:** Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID); OKeefe, Michael (CPI)

**Subject:** Re: Globe Op Ed by Tom Keane on Lab

**Sensitivity:** Normal

---

Agreed

----- Original Message -----

From: Blodgett, Jonathan (EAS)

Sent: Sunday, September 30, 2012 11:20 AM

To: Leone, Gerard (NOR)

Cc: Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID); OKeefe, Michael (CPI)

Subject: Re: Globe Op Ed by Tom Keane on Lab

Agreed; but at some point we will have to state our position as to this mess. I would hate to see us come off as weak & compliant. The administration has skated on this to date. Auerbach? No one is asking the A team the tough questions or for forcing them as to their commitment(s) going forward. Like I said, we are going to get one shot to be taken seriously on this.

Sent from my iPhone

On Sep 30, 2012, at 11:15, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> In this climate, we should have support from all corners, but others will see this as a \$ grab too.

>

> ----- Original Message -----

> From: Blodgett, Jonathan (EAS)

> Sent: Sunday, September 30, 2012 10:49 AM

> To: Leone, Gerard (NOR)

> Cc: Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID); OKeefe, Michael (CPI)

> Subject: Re: Globe Op Ed by Tom Keane on Lab

>

> We are going to have one shot & one only to make our case concerning what we need & what the criminal justice needs. After that we will once again be largely ignored. I hope we are strong & courageous enough to take advantage of that one opportunity.

>

> Sent from my iPhone

>

> On Sep 30, 2012, at 10:27, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> Another Op Ed.

>> Interesting opinions and perspectives begin to emerge about what kind/how much accountability to place on the Administration re: funding, prioritizing and valuing public safety, the courts, and the Lab. The Legislature cannot avoid the accountability though as well.

>> Several people have been complaining for the last 6 years and longer - the DAs being at the front of that list.

>>

>>

>> -----Original Message-----

>> From: Guyotte, Stephanie (NOR)

>> Sent: Sunday, September 30, 2012 10:19 AM



>> To: Leone, Gerard (NOR)  
>> Subject: RE: Globe Op Ed by Tom Keane on Lab

>>

>> Crime lab scandal is symptom of underfunded courts

>> By Tom Keane | September 30, 2012

>> <http://bostonglobe.com/opinion/2012/09/29/crime-lab-scandal-just-symptom-underfunded-courts/2GDzLaEscg4gbwVIPmzQFP/story.html>

>>

>> \* Perhaps more than 1,000 violent criminals will be unleashed on the streets of Boston and surrounding communities in the next several weeks. The effect, almost certainly, will be a surge in crime. People will be hurt; some may die. It's easy to pin the blame on one employee, so-called "rogue chemist" Annie Dookhan. But the real blame reaches far wider. What happened was predictable, a matter of accountability and funding. State politicians - legislators and the governor - gave short shrift to the court system, systematically ignoring problems and cutting budgets so deeply as to create the crisis Massachusetts now faces.

>> \* And a crisis it is. Dookhan, a senior state chemist at the state crime lab, allegedly mishandled and falsified an unknown number of drug samples. Over nine years, she was responsible for up to 60,000 samples used in 34,000 criminal cases. Few think that most - or even more than a handful - of the suspects convicted in those cases were actually innocent. But all of the cases are tainted.

>> \* And how did Dookhan manage this? Here's a typical scenario. Police would seize an alleged drug from a suspect and send the sample to the crime lab. A lead - or primary - chemist would test the sample to ensure it was a prohibited substance. If so, the sample would be sent to a secondary chemist who would use a device - a mass spectrometer - to confirm the primary chemist's conclusion.

>> \* On many occasions, however, Dookhan would allegedly forgo the time-intensive primary testing process and make a guess - called "dry labbing" - before sending the substance to the secondary chemist. Most of the time, her guess was accurate, but on some occasions, the mass spectrometer would come up with a different result. When that occurred, Dookhan allegedly would take back the sample, doctor it with the drug it was "supposed" to be, and then send it back to the secondary chemist for re-analysis.

>> \* What drove her to do this? And why didn't anyone figure it out?

>> \* Before State Police took over the crime lab in July, it was located within the Department of Public Health. The reason for this is uncertain, but since the mission of DPH is public health - things like encephalitis and diabetes - running a crime lab was well outside of both its interest and expertise. The lab, located in Jamaica Plain, was shabby and poorly managed. It was the state's various district attorneys who most cared about prompt and accurate testing, but all they could do was complain from the outside (which they had been doing for years). Thus, for instance, Dookhan was testing up to 500 samples a month - three or four times as many as her fellow chemists. But the lack of supervision meant alarm bells were never triggered.

>> \* Then too, the burden on the crime labs dramatically increased in 2009. That was the year the US Supreme Court concluded, in *Melendez-Diaz v. Massachusetts*, that chemists physically had to show up in court and testify as to their findings. Before then, a written certification had been enough. Yet despite this new workload, the lab's budget was cut.

>> \* Indeed, underfunding is par for the course when it comes to the court system. Half the job of keeping streets safe is having an effective police force, a task we usually assign to local governments. Because voters hold them accountable, mayors and town managers are determined to make sure their public safety budgets are maintained.

>> \* But the other half of public safety comes after the cops make an arrest and DAs, defense attorneys, judges, and jails get involved. Funds for the court system come from the state, but there is no strong constituency advocating for keeping budgets up (voters typically don't think their legislators have much influence on crime).

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>> Sent: Sunday, September 30, 2012 10:07 AM  
>> To: Guyotte, Stephanie (NOR)  
>> Subject: Globe Op Ed by Tom Keane on Lab

**Archived:** Tuesday, March 12, 2019 10:35:10 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI); Blodgett, Jonathan (EAS)  
**Cc:** Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID)  
**Subject:** Re: Globe Op Ed by Tom Keane on Lab  
**Sensitivity:** Normal

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Harder shot at Admin today in Metrowest Daily News and Herald than Keane or the Globe will ever be to this Admin.

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>>> Another Op Ed.

>>> Interesting opinions and perspectives begin to emerge about what kind/how much accountability to place

on the Administration re: funding, prioritizing and valuing public safety, the courts, and the Lab. The Legislature cannot avoid the accountability though as well.

>>> Several people have been complaining for the last 6 years and longer - the DAs being at the front of that list.

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>>> Crime lab scandal is symptom of underfunded courts

>>> By Tom Keane | September 30, 2012

>>> <http://bostonglobe.com/opinion/2012/09/29/crime-lab-scandal-just-symptom-underfunded-courts/2GDzLaEscq4gbwVIPmzQFP/story.html>

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**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** Re: Useful JP Lab Timeline from Globe  
**Sensitivity:** Normal

---

Timeline in MWDN  
What about 2003-2007?  
And what happens in 2009 is an indictment of bureaucracy

----- Original Message -----  
From: Ryan, Marian (NOR)  
Sent: Saturday, September 29, 2012 07:44 AM  
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attentive, so I'm sure that it was an accumulation of things that roused their suspicions.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
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To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Subject: Useful JP Lab Timeline from Globe

Globe article on line today is below.

I am assuming this is accurate and based upon Globe's receipt of discovery packet from DA Sutter's office or a case from that region, which is posted as a PDF on their website, by the way.  
Reports may help give us some back-stop of 2007.

\*\*\*\*\*

Timeline of events in disgraced Mass. chemist case  
By Associated Press  
AP / September 27, 2012  
E-mail | Print | Reprints | Comments (5) Text Size: →

BOSTON (AP) — A timeline of events surrounding Annie Dookhan, the chemist at the center of a scandal at the Massachusetts state drug lab, based on police interviews with chemists at the Hinton state lab who worked with Dookhan, and with Dookhan herself:

- Sometime in 2007-2008: A lab supervisor first notices Dookhan is testing an unusually high number of drug samples. He notifies her immediate supervisor.
- 2009: The supervisor doesn't get the feedback he is looking for, so he goes to another supervisor and says he's concerned that Dookhan is testing so many samples that she might not be doing all the tests she should be. He says he never saw her in front of a microscope.
- 2010: Due to concerns, chemists audit Dookhan's work. Her paperwork is reviewed but no samples are retested. No wrongdoing is found.
- Dec. 2010: Another chemist reports his concerns about Dookhan's unusually high output to two supervisors. He's told to take his concerns to a higher-level supervisor.
- Feb. 2011: The chemist says he noticed on a monthly report that Dookhan claimed to have tested 500

samples. The average chemist could do 50 to 150 samples a month.

— March 2011: A chemist notices Dookhan put her initials on lab sheets as the second chemist for samples she had not seen or set up.

— June 10, 2011 — Dookhan falsifies a report with another chemist's initials. She tells police, "There was no one available — no one has the time — I wanted to get the work done."

— June 14, 2011 — Dookhan takes 90 specific samples and doesn't sign them out properly.

— June 21, 2011 — Lab supervisors meet with Dookhan to ask what happened with the samples in question. Dookhan doesn't respond and says she doesn't know what happened. One supervisor says the three feel the incident does not affect her casework, but he realizes that in hindsight they should have notified the Quincy Police Department and the Norfolk District Attorney's office, whose samples were affected. He feels Dookhan had a mental breakdown.

— March 2012 — Dookhan resigns from the lab pending an investigation.

— Aug. 28, 2012 — Police interview Dookhan at her home and she admits wrongdoing.

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>> Agreed; but at some point we will have to state our position as to this mess. I would hate to see us come off as weak & compliant. The administration has skated on this to date. Auerbach? No one is asking the A team the tough questions or for forcing them as to their commitment(s) going forward. Like I said, we are going to get one shot to be taken seriously on this.

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>> Sent from my iPhone

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>>

>>> In this climate, we should have support from all corners, but others will see this as a \$ grab too.

>>>

>>> ----- Original Message -----

>>> From: Blodgett, Jonathan (EAS)  
>>> Sent: Sunday, September 30, 2012 10:49 AM  
>>> To: Leone, Gerard (NOR)  
>>> Cc: Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID); OKeefe, Michael (CPI)  
>>> Subject: Re: Globe Op Ed by Tom Keane on Lab  
>>>  
>>> We are going to have one shot & one only to make our case concerning what we need & what the criminal justice needs. After that we will once again be largely ignored. I hope we are strong & courageous enough to take advantage of that one opportunity.

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>>> Sent from my iPhone  
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>>>> Several people have been complaining for the last 6 years and longer - the DAs being at the front of that list.

>>>>  
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>>>> -----Original Message-----  
>>>> From: Guyotte, Stephanie (NOR)  
>>>> Sent: Sunday, September 30, 2012 10:19 AM  
>>>> To: Leone, Gerard (NOR)  
>>>> Subject: RE: Globe Op Ed by Tom Keane on Lab

>>>>  
>>>> Crime lab scandal is symptom of underfunded courts  
>>>> By Tom Keane | September 30, 2012  
>>>> <http://bostonglobe.com/opinion/2012/09/29/crime-lab-scandal-just-symptom-underfunded-courts/2GDzLaEscq4gbwVIPmzQFP/story.html>

>>>>  
>>>> \* Perhaps more than 1,000 violent criminals will be unleashed on the streets of Boston and surrounding communities in the next several weeks. The effect, almost certainly, will be a surge in crime. People will be hurt; some may die. It's easy to pin the blame on one employee, so-called "rogue chemist" Annie Dookhan. But the real blame reaches far wider. What happened was predictable, a matter of accountability and funding. State politicians - legislators and the governor - gave short shrift to the court system, systematically ignoring problems and cutting budgets so deeply as to create the crisis Massachusetts now faces.

>>>> \* And a crisis it is. Dookhan, a senior state chemist at the state crime lab, allegedly mishandled and falsified an unknown number of drug samples. Over nine years, she was responsible for up to 60,000 samples used in 34,000 criminal cases. Few think that most - or even more than a handful - of the suspects convicted in those cases were actually innocent. But all of the cases are tainted.

>>>> \* And how did Dookhan manage this? Here's a typical scenario. Police would seize an alleged drug from a suspect and send the sample to the crime lab. A lead - or primary - chemist would test the sample to ensure it was a prohibited substance. If so, the sample would be sent to a secondary chemist who would use a device - a mass spectrometer - to confirm the primary chemist's conclusion.

>>>> \* On many occasions, however, Dookhan would allegedly forgo the time-intensive primary testing process and make a guess - called "dry labbing" - before sending the substance to the secondary chemist. Most of the time, her guess was accurate, but on some occasions, the mass spectrometer would come up with a different result. When that occurred, Dookham allegedly would take back the sample, doctor it with the drug it was "supposed" to be, and then send it back to the secondary chemist for re-analysis.

>>>> \* What drove her to do this? And why didn't anyone figure it out?

>>>> \* Before State Police took over the crime lab in July, it was located within the Department of Public Health. The reason for this is uncertain, but since the mission of DPH is public health - things like encephalitis and diabetes - running a crime lab was well outside of both its interest and expertise. The lab, located in Jamaica Plain, was shabby and poorly managed. It was the state's various district attorneys who most cared



about prompt and accurate testing, but all they could do was complain from the outside (which they had been doing for years). Thus, for instance, Dookhan was testing up to 500 samples a month - three or four times as many as her fellow chemists. But the lack of supervision meant alarm bells were never triggered.

>>>> \* Then too, the burden on the crime labs dramatically increased in 2009. That was the year the US Supreme Court concluded, in *Melendez-Diaz v. Massachusetts*, that chemists physically had to show up in court and testify as to their findings. Before then, a written certification had been enough. Yet despite this new workload, the lab's budget was cut.

>>>> \* Indeed, underfunding is par for the course when it comes to the court system. Half the job of keeping streets safe is having an effective police force, a task we usually assign to local governments. Because voters hold them accountable, mayors and town managers are determined to make sure their public safety budgets are maintained.

>>>> \* But the other half of public safety comes after the cops make an arrest and DAs, defense attorneys, judges, and jails get involved. Funds for the court system come from the state, but there is no strong constituency advocating for keeping budgets up (voters typically don't think their legislators have much influence on crime).

>>>> \* And so, as the 2008 recession hit, the crime lab's budget was slashed, from \$15.7 million in fiscal year 2009 to today's low of \$12.1 million. Crime lab employees were expected to do vastly more with vastly less and one of them - at least - cracked.

>>>> \* Budget cuts created desperation. A lack of supervision created opportunity. What Dookhan did was wrong, but so too was the system that made it possible. The money now spent cleaning up this mess will be far greater than any once saved.

>>>> \* Tom Keane writes weekly for the Globe. He can be reached at [tomkeane@tomkeane.com](mailto:tomkeane@tomkeane.com).

>>>>

>>>>

>>>>

>>>> From: Leone, Gerard (NOR)

>>>> Sent: Sunday, September 30, 2012 10:07 AM

>>>> To: Guyotte, Stephanie (NOR)

>>>> Subject: Globe Op Ed by Tom Keane on Lab

**Archived:** Tuesday, March 12, 2019 10:35:41 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI); Blodgett, Jonathan (EAS)  
**Cc:** Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID)  
**Subject:** Re: Globe Op Ed by Tom Keane on Lab  
**Sensitivity:** Normal

---

Agreed

----- Original Message -----

From: OKeefe, Michael (CPI)  
Sent: Sunday, September 30, 2012 11:42 AM  
To: Blodgett, Jonathan (EAS)  
Cc: Leone, Gerard (NOR); Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID)  
Subject: Re: Globe Op Ed by Tom Keane on Lab

I agree with Jon that when we speak we have to be strong and consistent . The time to do it is probably on a day when a significant amount of these defendants are released . We have to do it in a way which sends a message to both the Governor and the legislature and maximizes our ability to reasonably increase resources across the board.

I thought it was interesting that absent from Keanes' piece was any mention of CPCS or the defense bar. This is an issue that properly viewed illustrates the lack of resources dedicated to forensics and prosecution not the defense.

Sent from my iPhone

On Sep 30, 2012, at 11:29 AM, "Blodgett, Jonathan (EAS)" <Jonathan.Blodgett@MassMail.State.MA.US> wrote:

> Can you forwarded me the Northwest Metro link? Thanks.

>

> Sent from my iPhone

>

> On Sep 30, 2012, at 11:28, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> Harder shot at Admin today in Metrowest Daily News and Herald than Keane or the Globe will ever be to this Admin.

>>

>> ----- Original Message -----

>> From: OKeefe, Michael (CPI)  
>> Sent: Sunday, September 30, 2012 11:24 AM  
>> To: Blodgett, Jonathan (EAS)  
>> Cc: Leone, Gerard (NOR); Maguire, Tara (DAA); Conley, Daniel (SUF); Early, Joseph (MID)  
>> Subject: Re: Globe Op Ed by Tom Keane on Lab

>>

>> I sent a short email to Keane thanking him for recognizing some of the real issues here. Won't hurt to cultivate a few media allies going forward.

>>

>> Sent from my iPhone

>>

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>>>>> Sent: Sunday, September 30, 2012 10:19 AM

>>>>> To: Leone, Gerard (NOR)

>>>>> Subject: RE: Globe Op Ed by Tom Keane on Lab

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>>>>> By Tom Keane | September 30, 2012

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>>>>

>>>>

>>>>

>>>> From: Leone, Gerard (NOR)

>>>> Sent: Sunday, September 30, 2012 10:07 AM

>>>> To: Guyotte, Stephanie (NOR)

>>>> Subject: Globe Op Ed by Tom Keane on Lab

**Archived:** Tuesday, March 12, 2019 10:35:43 AM

**From:** Leone, Gerard (NOR)

**To:** Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

**Sensitivity:** Normal

---

Thanks Pat. Let's agree on a email response to John Towle and send it soon.

---

**From:** Mahon, Patrick (NOR)

**Sent:** Monday, October 01, 2012 3:35 PM

**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

Gerry and Team

I have looked at the Budget submitted by Suffolk and saw some items that I/we did not add in non-Personnel Related Costs: Rent for additional space, "Super Printers", Phone lines, and Cell Phones as well as a Misc. Case Expenditure contingency. We should discuss whether we need the super printer(s) (with scanning and fax capability) as it is my understanding, that we will not have to secure additional office space and our current printers could be used. Based on my prior "Crisis Management" experience I would whole heartedly endorse adding a contingency dollar amount to our request. I will follow up with Howard, on whether or not, we would need the phone lines etc for the additional staff we wish to add to our roster.

I would ask that our Senior Legal people compare our staffing proposal vs. Suffolk's, and either okay what I have budgeted, or make recommendations for adds/deletes to Gerry.

I also did the MDAO budget request based on a supplemental request for FY 2013 and an add to the FY 14 Maintenance plan being proposed now, but Suffolk has apparently done theirs, based on a one year basis. It is something that should be clarified before the overall MDAA request is presented to the Governor and A&F.

Thanks

Pat

---

**From:** Leone, Gerard (NOR)

**Sent:** Monday, October 01, 2012 3:05 PM

**To:** Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** JP Lab: Supplemental Budget(s) and draft Letter to Governor

Fyi, thoughts?

---

**From:** Towle, John (SUF)

**Sent:** Monday, October 01, 2012 02:41 PM

**To:** DAA-DL-DA&EXEC.ASST

**Cc:** Maguire, Tara (DAA)

**Subject:** Supplemental Budget(s) and draft Letter to Governor

Good afternoon,

Please find attached two documents. One contains two supplemental budget requests for Suffolk County. The first request is scaled to the Annie Dookhan-only caseload. The second reflects the supplemental budget requirements for this office should the scope of the work expand to include all cases out of the JP lab since 2003. Please note that we opted to seek funding for essentially an executive director position at the Superior Court level, and a supervisory position in our District Courts, as opposed to trying to recoup the time/salaries that senior leadership in the office have dedicated to this. Additionally, we included a rent request in order to house the new staff. The cost was calculated based upon the square footage cost for our main office, DCAM space guidelines, and then annualized . (If any of your budget teams wishes to pursue this as well I can forward along the DCAM guidelines and save them the trouble of looking for it.)

The second document is a proposed letter to the Governor justifying the total request for the Das and stressing the urgency of getting it done quickly. If anyone has any questions, suggestions or edits please don't hesitate to let me know. Thanks,

John

**Archived:** Tuesday, March 12, 2019 10:35:53 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

**Subject:** RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

**Sensitivity:** Normal

---

Thanks, sounds good.  
Any internal candidates?

-----Original Message-----

From: Wechsler, Pamela (NOR)

Sent: Monday, October 01, 2012 5:09 PM

To: Ryan, Marian (NOR); Leone, Gerard (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

There were two strong candidates during the last round of interviews for a paralegal. Both are also diversity candidates. We are going to call them and see if they are still available. If so, we will bring them in to interview.

-----Original Message-----

From: Ryan, Marian (NOR)

Sent: Monday, October 01, 2012 5:02 PM

To: Leone, Gerard (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Subject: Re: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

That sounds fine-

I just talked w Pam re getting a person asap and maybe having them overlap w Courtney for a couple of days so we don't have to reinvent-

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Monday, October 01, 2012 04:51 PM

To: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Cc: Ryan, Marian (NOR); Leone, Gerard (NOR)

Subject: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

See my thoughts below in the body of the email in [brackets].

FYI, Courtney resigned, so we need to rethink her short term and long term involvement.

This is a lot to digest. Do you want to email to Senior Leadership first, giving them one day to respond, before we send to everyone?

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

Sent: Monday, October 01, 2012 9:45 AM

To: Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Cc: Leone, Gerard (NOR); Ryan, Marian (NOR)

Subject: FW: Draft F/U internal communication: JP Lab/Dookhan Cases

Gerry - FYI only, still in draft form. Marian and I have prepared the below to go out to all Middlesex ADAs.

Mike, Pam, Sarah - Would you mind please reviewing the below draft internal communication regarding Ms. Dookhan and the JP Lab? I'd be curious as to your input on making discovery in the last category (d), detailed below - any past case where the evidence was processed at the JP Lab broadly, but not involving Ms. Dookhan as a potential C/W witness. Also, I thought about putting general case instructions in here, e.g., insist that DC follow the rules of criminal procedure and file written motions, but then I thought that we need to keep these principals in our minds and be consistent in our oral communications to line ADAs, but not necessarily put our thinking in a writing that could become a public communication. I'd be open to different points of view on this if you'd like.

Thanks all -  
jlw

\*\*\*\*\*

Good afternoon – I am writing to follow-up to the below 2 emails from Marian, dated 9/4/2012 and 9/26/12, regarding the DPH JP Lab and its former chemist Annie Khan Dookhan. As many of you know, the JP Lab was closed by the Mass SP on August, 30, 2012, and its former chemist, Annie Dookhan, was arraigned last Friday on [criminal] charges related to her conduct in connection with the JP Lab's closure, including [criminal] charges of obstructing justice and falsifying her CV. The AGO reports that it is continuing to conduct an investigation into Ms. Dookhan's conduct and the JP DPH Lab.

With that background, first and foremost, many thanks to you all for being in touch with Marian and I regarding your cases involving Ms. Dookhan. As we continue to try and sort through this very fluid situation, we will need to continue to rely on your help and communication with us. With that in mind, we provide the following information and additional directions below. Please do not hesitate to call or email us with questions or issues.

#### Inventory of MDAO Cases:

1. Pending Dookhan cases: Please continue to review your pending cases (pre-conviction and pending appeals) for any matters that may involve Ms. Dookhan, whether she served as the primary chemist, secondary chemist, and/or notary on the drug certification (N.B. You will need to actually look at the drug certification to determine if she signed as the notary). Please forward information as to a pending case involving Annie Dookhan in any of these roles to Marian and me [(as well as Courtney Stanton)] via email of the case's existence, status, and next date, no later than October \_\_\_\_, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none with Ms. Dookhan as a potential witness, also no later than October \_\_\_\_, 2012.

2. Pending JP Lab cases: With your help, we would like to broaden our case inventory to any pending MDAO cases (pre-conviction and pending appeals) where the evidence in the case was tested by any chemist, not just Ms. Dookhan, at the Hinton / JP Lab from 2003 - August 2012. Please bear in mind that MDAO formally stopped sending its evidence to this laboratory in 2009. We believe, however, anecdotally, that evidence in a few MDAO cases may have been tested at this lab after 2009. Please forward information as to a pending case involving the JP Lab to Marian and me [(as well as Courtney Stanton)] via email of the case's existence, status, and next date, no later than October \_\_\_\_, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none involving evidence tested at the JP Lab, also no later than October \_\_\_\_, 2012.

3. Disposed Dookhan cases: With your help, we would also like to broaden our case inventory – and tap your historical knowledge -- with regard to disposed MDAO cases. If you are aware of and/or have prosecuted a disposed case where Ms. Dookhan was a potential or actual witness for the Commonwealth, either in her role as a primary or secondary chemist or in some other capacity in the case, for example, as a



notary on the drug certification, please forward the case information, including the defendant's name, docket number, court, disposition date, disposition and/or sentence, if any, to Marian and me [(as well as Courtney Stanton)] via email, no later than October \_\_\_\_, 2012. For your information, Ms. Dookhan worked at the JP Lab from 2003-2012.

4. Any other cases involving Ms. Dookhan and/or JP Lab Issues: If there are any other cases that you are aware of – or come to be aware of – that involve these issues, but don't necessarily fall into any of the above-three categories, please let us know as well, no later than October \_\_\_\_, 2012, or whenever they are brought to your attention by an attorney and/or the Court.

“Working Room”:

As many of you may know, Governor Patrick has established a “working room” to help all the District Attorneys' Offices mine through data to identify, with specific and useful information, any cases involving Ms. Dookhan. The DAOs, including MDAO, have received some general data regarding samples Ms. Dookhan processed (to date, approximately 8000 MDAO drug samples of approximately 34,000 overall samples). Last week, the DAOs received additional case identifying information that we are reviewing and which may help us identify defendants in custody on cases in which Ms. Dookhan was and/or is a potential witness. The details of the “Working Room,” are still very fluid and being discussed, but Governor Patrick has identified former Suffolk prosecutor David Meier to head up the project. We are optimistic that once established and running, the Working Room can provide us with a more complete and useable data, but for the time being, we will be highly dependant on your historical memory and case searches, especially as they relate to JP Lab cases that do not involve Ms. Dookhan, as to date we have received very little data for this category of prosecutions. We do have other ideas to help us identify these cases, and suspect that many of you may as well. Please feel free to reach out to Marian and/or me if you have an idea to help retrieve data.

“JP Lab / Ms. Dookhan Sessions”:

Preliminary discussions have begun to identify sessions in Middlesex Superior Court(s) and Middlesex District Court(s) dedicated to prosecuting and sorting through cases and issues involving Ms. Dookhan and/or JP Lab. We will keep you posted on this front, but if / until all these cases wind up in the same sessions, it remains critically important to be proceeding uniformly and with Marian and/or me, so please continue to reach out to us [HOW?] about cases as you become aware of them.

Communication [You want this to be uniform and consistent, therefore specify how you want this done, for instance by way of email to both of us on the To line on all matters] with Marian and me on Cases / Issues re: Ms. Dookhan and JP Lab:

1. Thank you again to all the supervisors and ADAs that have been in touch with Marian and me about cases involving Ms. Dookhan and/or the JP Lab. Please continue to be in touch, whenever possible, with us prior to appearing on any case where issues involving Ms. Dookhan and/or the JP Lab have been raised by the Commonwealth, court, and/or defendant. As you likely know, the situation and information we have is very fluid, and we are still waiting on outside agencies to provide us with additional and more definitive information relative to the nature, scope, and extent of the problem. That being said, based on what is known to date, Marian and I are trying hard to provide consistent and appropriate advice and guidance based on the information as it relates to the specific legal and factual circumstances of a case relative to issues like continuances, motions for new trials, motions to revise and revoke sentences, motions to stay execution of or vacate sentences, questions of bail, motions for discovery, etc.
2. We need to rely on your help in also following up with us as to the status / events after the case is in court. Marian and I are receiving an enormous amount of emails and data on this topic, which we need and appreciate, but which is growing every day as we identify additional cases. We would greatly appreciate your help in proactively keeping us apprised of events / court results afterward. Please also copy [Courtney Stanton] on any emails re: cases updates.
3. Please feel free to email or call Marian or myself at any time relative to these issues. Marian's cell phone

is [REDACTED]. My cell phone is [REDACTED].

Discovery:

1. We have received documents relative to the AGO's criminal investigation into Ms. Dookhan for filing in discovery. For the time being, based on the information that we know to date, we will be filing this discovery in:

(a) any pending MDAO case where Ms. Dookhan may be a potential witness for the Commonwealth (primary, secondary, or notary) AND

(b) any pending MDAO case where the evidence in the case was processed at the JP Lab AND

(c) any disposed MDAO case that we are aware of in which Ms. Dookhan was a potential witness for the Commonwealth (primary, secondary, or notary) AND

(d) any disposed MDAO case that we are aware of in which the evidence in the case was processed at the JP Lab AND

If you have a case which does not fall into any of these categories, but you feel discovery concerning Ms. Dookhan and/or the JP Lab is appropriate in your case, please feel free to contact Marian and/or me to discuss the matter.

2. Right now, there are (2) notices to file, one from May 2012, which we have been filing based on information we learned in the Winter of 2012 regarding Ms. Dookhan, and another from 9/26/2012, which has an attachment in the form of a PDF file. Both notices and the PDF file, corresponding to the 9/26/12, are attached to this email. Please email Marian, [Courtney], and I the case in which you are making the filing(s), and the date of the filing(s). Sorry to be so detail oriented, but it is crucial for us to this data, to the extent that additional discovery filing must be made down the road.

Thank you very much in advance of helping us with this massive project.  
We appreciate your help -  
Jodi

---

From: Ryan, Marian (NOR)

Sent: Wednesday, September 26, 2012 3:19 PM

To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)

Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet. Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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From: Ryan, Marian (NOR)  
Sent: Wednesday, September 05, 2012 1:39 PM  
To: NOR-DL-ALL MIDDLESEX ADA's  
Cc: Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)  
Subject: JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me ([REDACTED]) before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]  
Fax: [REDACTED]

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

**Archived:** Tuesday, March 12, 2019 10:35:59 AM

**From:** Leone, Gerard (NOR)

**To:** Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

**Sensitivity:** Normal

---

Thanks Pat.

---

**From:** Mahon, Patrick (NOR)

**Sent:** Monday, October 01, 2012 5:19 PM

**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

Gerry

Will add the Contingency line @ \$25,000 for both FY 13 and FY 14.

I will await any further input till tomorrow morning and then move forward with Jodi and Marian and present a final draft to you then on to John Towle.

Pat

---

**From:** Leone, Gerard (NOR)

**Sent:** Monday, October 01, 2012 4:59 PM

**To:** Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

Go ahead and add the "contingency expense line" and indicate to John Towle that we recommend it, unless people feel differently. Remember, we are setting the bar high to begin with, per the Das.

---

**From:** Mahon, Patrick (NOR)

**Sent:** Monday, October 01, 2012 4:57 PM

**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

Gerry and team

I have met with Howard and we have the capacity to add phone and fax lines without significant expense. We also may want to consider Laptops rather than workstations but the cost difference for these purposes is minimal. Again I reiterate that I would strongly urge that we add a Contingency Expense line for the great unknown.

Once I get the additional feedback as requested below, Jodi, Marian and I can craft a response for your approval.

I believe the idea of the supplemental request for FY 13 and an "add for FY 14" outside of the Maintenance/regular budget vs. a lump sum request will need to be resolved at the MDAA level.

Pat

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, October 01, 2012 4:37 PM  
**To:** Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

Thanks Pat. Let's agree on a email response to John Towle and send it soon.

---

**From:** Mahon, Patrick (NOR)  
**Sent:** Monday, October 01, 2012 3:35 PM  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

Gerry and Team

I have looked at the Budget submitted by Suffolk and saw some items that I/we did not add in non-Personnel Related Costs: Rent for additional space, "Super Printers", Phone lines, and Cell Phones as well as a Misc. Case Expenditure contingency. We should discuss whether we need the super printer(s) (with scanning and fax capability) as it is my understanding, that we will not have to secure additional office space and our current printers could be used. Based on my prior "Crisis Management" experience I would whole heartedly endorse adding a contingency dollar amount to our request. I will follow up with Howard, on whether or not, we would need the phone lines etc for the additional staff we wish to add to our roster.

I would ask that our Senior Legal people compare our staffing proposal vs. Suffolk's, and either okay what I have budgeted, or make recommendations for adds/deletes to Gerry.

I also did the MDAO budget request based on a supplemental request for FY 2013 and an add to the FY 14 Maintenance plan being proposed now, but Suffolk has apparently done theirs, based on a one year basis. It is something that should be clarified before the overall MDAA request is presented to the Governor and A&F.

Thanks

Pat

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, October 01, 2012 3:05 PM  
**To:** Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
**Subject:** JP Lab: Supplemental Budget(s) and draft Letter to Governor

Fyi, thoughts?

---

**From:** Towle, John (SUF)  
**Sent:** Monday, October 01, 2012 02:41 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Maguire, Tara (DAA)  
**Subject:** Supplemental Budget(s) and draft Letter to Governor

Good afternoon,

Please find attached two documents. One contains two supplemental budget requests for Suffolk County. The first request is scaled to the Annie Dookhan-only caseload. The second reflects the supplemental budget requirements for this office should the scope of the work expand to include all cases out of the JP lab since 2003. Please note that we opted to seek funding for essentially an executive director position at the Superior Court level, and a supervisory position in our District Courts, as opposed to trying to recoup the time/salaries that senior leadership in the office have dedicated to this. Additionally, we included a rent request in order to house the new staff. The cost was calculated based upon the square footage cost for our main office, DCAM space guidelines, and then annualized . (If any of your budget teams wishes to pursue this as well I can forward along the DCAM guidelines and save them the trouble of looking for it.)

The second document is a proposed letter to the Governor justifying the total request for the Das and stressing the urgency of getting it done quickly. If anyone has any questions, suggestions or edits please don't hesitate to let me know. Thanks,

John

**Archived:** Tuesday, March 12, 2019 10:36:07 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: DPH Lab Procedures - we have them  
**Sensitivity:** Normal

---

Thanks

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Tuesday, October 02, 2012 07:10 AM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: Re: DPH Lab Procedures - we have them

I'll make those contacts today.

Sent from my iPhone

On Oct 1, 2012, at 9:14 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Yes, Verner too.

>

> -----Original Message-----

> From: Ryan, Marian (NOR)  
> Sent: Monday, October 01, 2012 9:12 PM  
> To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
> Subject: Re: DPH Lab Procedures - we have them

>

> I think Woods and Jodi and I just talked, probably also Verner.

>

>

> ----- Original Message -----

> From: Leone, Gerard (NOR)  
> Sent: Monday, October 01, 2012 09:06 PM  
> To: Walker, Jodi (NOR); Ryan, Marian (NOR)  
> Subject: RE: DPH Lab Procedures - we have them

>

> With these types of disclosure issues, we should inform Tara for MDAA; Meier; Who is the POC for EOPSS?

>

> -----Original Message-----

> From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
> Sent: Monday, October 01, 2012 7:58 PM  
> To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
> Subject: DPH Lab Procedures - we have them

>

> Chris Minue received the 2004 DPH protocol (in affect in 2009, per below) on 7/26/2012 per J. Singleton order.

> We will have to turn this over in all cases.

> I read about this in the paper over the weekend. We may need to advise somebody (?) that we are going to be producing this as I think the Administration was quoted as saying that they were not going to give them up.



>  
> \_\_\_\_\_  
> From: Minue, Christopher (NOR)  
> Sent: Monday, October 01, 2012 11:07 AM  
> To: Walker, Jodi (NOR)  
> Subject: RE: laboratory procedures  
>  
> That's correct - it was ordered by Singleton pursuant to the discovery order on [REDACTED] We did not object, I spoke with the lab who indicated that there was no issue in turning over the protocols. I went through Steve Chilean who had the lab send them over.

>  
> -----Original Message-----  
> From: Walker, Jodi (NOR)  
> Sent: Monday, October 01, 2012 10:53 AM  
> To: Minue, Christopher (NOR)  
> Cc: Marian.Ryan@state.ma.us  
> Subject: RE: laboratory procedures  
>  
> Thanks Chris - Can you remind me of how you came to request these? Part of the ordered discovery in [REDACTED]?

>  
> \_\_\_\_\_  
> From: Minue, Christopher (NOR)  
> Sent: Monday, October 01, 2012 10:29 AM  
> To: Walker, Jodi (NOR)  
> Subject: FW: laboratory procedures

>  
> These were in effect in 2009.

>  
> \_\_\_\_\_  
> From: Nassif, Julianne (DPH)  
> Sent: Thursday, July 26, 2012 4:22 PM  
> To: Minue, Christopher (NOR)  
> Cc: Chilian, Steve (DPH)  
> Subject: laboratory procedures

>  
> See attached.  
> Julie

>  
> Julianne Nassif  
> Director of Analytical Chemistry  
> William A. Hinton State Laboratory  
> Massachusetts Department of Public Health  
> 305 South Street Boston, MA 02130  
> [REDACTED] (voice) [REDACTED] (fax)

>

**Archived:** Tuesday, March 12, 2019 10:36:13 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Wong, Howard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Re: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

**Sensitivity:** Normal

---

Let me know what you determine, thx.

----- Original Message -----

From: Ryan, Marian (NOR)

Sent: Monday, October 01, 2012 11:06 PM

To: Wong, Howard (NOR); Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

Subject: Re: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

Thanks, Howard-maybe you, Jodi and I can talk about what we need to be able to do-

----- Original Message -----

From: Wong, Howard (NOR)

Sent: Monday, October 01, 2012 11:01 PM

To: Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR)

Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

There are couple of things that come to mind - but I would want to talk to Marian and Jodi as to how they would like to handle it.

Immediate thoughts - this may at least organize it in their email

1) Create folders in Outlook that only hold Dookhan email (they may have already done this)

2) Along with the folder - rules/filters in both Jodi and Marian's email accounts so if any DOOKHAN mail comes in it could be moved automatically to the folder

These rules would end up making assumptions as to what people will include in subject matter and text - but we could ask people to put the word Dookhan in the subject for the rule to work.

3) There are special folders in Outlook called "search folders" which we can create searches that will help organize the Dookhan emails "automatically"

Also have been looking at their machines to upgrade to Office 2007. Outlook 2007 has some tools that may help in better organizing the emails.

For future we may consider the following:

1) Create an email account devoted to dookhan emails -

2) Create a web page on intranet for Dookhan information and matters

3) Create an internal "wiki" - a web site people use for collaboration

-----Original Message-----

From: Leone, Gerard (NOR)

Sent: Monday, October 01, 2012 9:09 PM

To: Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Ryan, Marian (NOR); Pelgro, Michael

(NOR); Wong, Howard (NOR)

Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

Electronic management is very important here.

Howard, any suggestions on how to make this easier on us/Marian/Jodi?

-----Original Message-----

From: Walker, Jodi (NOR)

Sent: Monday, October 01, 2012 8:14 PM

To: Ellis, Sarah (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR)

Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

Thanks, Sarah! Good information, and thanks for attending that meeting for us. As you and I discussed today, we will need to make staffing these sessions, especially Camb. D.Ct., a priority given the short timeline envisioned by the courts. Marian and I are meeting with J. Tuttmann tomorrow, so we can fill in those blanks soon, hopefully.

I will make your edits / suggestions to the internal communication, below. Thanks.

As to emails, I am happy to have the ADAs include you on the D.Ct. emails, so long as you don't mind making sure that Marian and I are also copied, if we get left off. People have had a very hard time copying both Marian and I on emails, to be honest. Also, in the spirit of full disclosure, Marian and I have been receiving over 150+ AD / JP Lab emails a day. I just finished archiving emails. Maybe I need a budget line for an AD / JP Lab blackberry. :)

---

From: Ellis, Sarah (NOR)

Sent: Monday, October 01, 2012 6:58 PM

To: Leone, Gerard (NOR); Wechsler, Pamela (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR)

Subject: Re: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

Thanks Jodi and Marian. Based on the 1 o'clock meeting I attended today for district courts, the idea of designating special sessions and judges for each county appears to still be a work in progress. Justices Dawley and Brennan appeared strongly in favor of a special session, but Cpcs was raising some concerns, as were certain DAO's. Therefore, I would make it clear in the paragraph addressing this issue, that this special session idea is a work in progress and we will keep everyone updated. I'd also ask that I be cc'ed on all dc communications about these cases, if that's okay with you.

To the extent this effects our proposed time table for identifying cases, I learned today that the deadlines that superior court has apparently laid out are october 15th for the start of a superior court special session, and an oct 9th deadline for cpcs to file motions on identified cases (I was unclear on what this cpcs deadline meant in reality).

FYI, not for this email, but discussed today (but not decided) was a 10-14 day window in district court between defense counsel filing a motion, and having the motion heard in the special session. The idea being that would be sufficient time for the court to notify the CW and transfer the file from the original court to the special session.

It is contemplated (but not decided) that Cambridge DC would be our special session with judges Sragow and Rooney presiding. It is anticipated that the special session will sit every day at 2 p.m. For an indeterminate period of time.

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Monday, October 01, 2012 05:11 PM  
To: Wechsler, Pamela (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

thanks

-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Monday, October 01, 2012 5:11 PM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

I don't think so. We posted for a paralegal a couple of months ago and two internal candidates applied. I don't think either are appropriate. And no one else comes to mind.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Monday, October 01, 2012 5:09 PM  
To: Wechsler, Pamela (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

Thanks, sounds good.  
Any internal candidates?

-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Monday, October 01, 2012 5:09 PM  
To: Ryan, Marian (NOR); Leone, Gerard (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

There were two strong candidates during the last round of interviews for a paralegal. Both are also diversity candidates. We are going to call them and see if they are still available. If so, we will bring them in to interview.

-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Monday, October 01, 2012 5:02 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

That sounds fine-  
I just talked w Pam re getting a person asap and maybe having them overlap w Courtney for a couple of days so we don't have to reinvent-

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Monday, October 01, 2012 04:51 PM

To: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Cc: Ryan, Marian (NOR); Leone, Gerard (NOR)  
Subject: JP Lab issues, internal MDAO Communication - RE: Draft F/U internal communication: JP Lab/Dookhan Cases

See my thoughts below in the body of the email in [brackets].

FYI, Courtney resigned, so we need to rethink her short term and long term involvement.

This is a lot to digest. Do you want to email to Senior Leadership first, giving them one day to respond, before we send to everyone?

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

Sent: Monday, October 01, 2012 9:45 AM

To: Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Cc: Leone, Gerard (NOR); Ryan, Marian (NOR)

Subject: FW: Draft F/U internal communication: JP Lab/Dookhan Cases

Gerry - FYI only, still in draft form. Marian and I have prepared the below to go out to all Middlesex ADAs.

Mike, Pam, Sarah - Would you mind please reviewing the below draft internal communication regarding Ms. Dookhan and the JP Lab? I'd be curious as to your input on making discovery in the last category (d), detailed below - any past case where the evidence was processed at the JP Lab broadly, but not involving Ms. Dookhan as a potential C/W witness. Also, I thought about putting general case instructions in here, e.g., insist that DC follow the rules of criminal procedure and file written motions, but then I thought that we need to keep these principals in our minds and be consistent in our oral communications to line ADAs, but not necessarily put our thinking in a writing that could become a public communication. I'd be open to different points of view on this if you'd like.

Thanks all -  
jlw

\*\*\*\*\*

Good afternoon – I am writing to follow-up to the below 2 emails from Marian, dated 9/4/2012 and 9/26/12, regarding the DPH JP Lab and its former chemist Annie Khan Dookhan. As many of you know, the JP Lab was closed by the Mass SP on August, 30, 2012, and its former chemist, Annie Dookhan, was arraigned last Friday on [criminal] charges related to her conduct in connection with the JP Lab's closure, including [criminal] charges of obstructing justice and falsifying her CV. The AGO reports that it is continuing to conduct an investigation into Ms. Dookhan's conduct and the JP DPH Lab.

With that background, first and foremost, many thanks to you all for being in touch with Marian and I regarding your cases involving Ms. Dookhan. As we continue to try and sort through this very fluid situation, we will need to continue to rely on your help and communication with us. With that in mind, we provide the following information and additional directions below. Please do not hesitate to call or email us with questions or issues.

#### Inventory of MDAO Cases:

1. Pending Dookhan cases: Please continue to review your pending cases (pre-conviction and pending appeals) for any matters that may involve Ms. Dookhan, whether she served as the primary chemist, secondary chemist, and/or notary on the drug certification (N.B. You will need to actually look at the drug certification to determine if she signed as the notary). Please forward information as to a pending case involving Annie Dookhan in any of these roles to Marian and me [(as well as Courtney Stanton)] via email of the case's existence, status, and next date, no later than October \_\_\_\_, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none with Ms. Dookhan as a potential witness, also no later than October \_\_\_\_, 2012.

2. Pending JP Lab cases: With your help, we would like to broaden our case inventory to any pending MDAO cases (pre-conviction and pending appeals) where the evidence in the case was tested by any chemist, not just Ms. Dookhan, at the Hinton / JP Lab from 2003 - August 2012. Please bear in mind that MDAO formally stopped sending its evidence to this laboratory in 2009. We believe, however, anecdotally, that evidence in a few MDAO cases may have been tested at this lab after 2009. Please forward information as to a pending case involving the JP Lab to Marian and me [(as well as Courtney Stanton)] via email of the case's existence, status, and next date, no later than October \_\_\_\_, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none involving evidence tested at the JP Lab, also no later than October \_\_\_\_, 2012.

3. Disposed Dookhan cases: With your help, we would also like to broaden our case inventory – and tap your historical knowledge -- with regard to disposed MDAO cases. If you are aware of and/or have prosecuted a disposed case where Ms. Dookhan was a potential or actual witness for the Commonwealth, either in her role as a primary or secondary chemist or in some other capacity in the case, for example, as a notary on the drug certification, please forward the case information, including the defendant's name, docket number, court, disposition date, disposition and/or sentence, if any, to Marian and me [(as well as Courtney Stanton)] via email, no later than October \_\_\_\_, 2012. For your information, Ms. Dookhan worked at the JP Lab from 2003-2012.

4. Any other cases involving Ms. Dookhan and/or JP Lab Issues: If there are any other cases that you are aware of – or come to be aware of – that involve these issues, but don't necessarily fall into any of the above-three categories, please let us know as well, no later than October \_\_\_\_, 2012, or whenever they are brought to your attention by an attorney and/or the Court.

#### “Working Room”:

As many of you may know, Governor Patrick has established a “working room” to help all the District Attorneys' Offices mine through data to identify, with specific and useful information, any cases involving Ms. Dookhan. The DAOs, including MDAO, have received some general data regarding samples Ms. Dookhan processed (to date, approximately 8000 MDAO drug samples of approximately 34,000 overall samples). Last week, the DAOs received additional case identifying information that we are reviewing and which may help us identify defendants in custody on cases in which Ms. Dookhan was and/or is a potential witness. The details of the “Working Room,” are still very fluid and being discussed, but Governor Patrick has identified former Suffolk prosecutor David Meier to head up the project. We are optimistic that once established and running, the Working Room can provide us with a more complete and useable data, but for the time being, we will be highly dependant on your historical memory and case searches, especially as they relate to JP Lab cases that do not involve Ms. Dookhan, as to date we have received very little data for this category of prosecutions. We do have other ideas to help us identify these cases, and suspect that many of you may as well. Please feel free to reach out to Marian and/or me if you have an idea to help retrieve data.

#### “JP Lab / Ms. Dookhan Sessions”:

Preliminary discussions have begun to identify sessions in Middlesex Superior Court(s) and Middlesex District Court(s) dedicated to prosecuting and sorting through cases and issues involving Ms. Dookhan and/or JP Lab. We will keep you posted on this front, but if / until all these cases wind up in the same sessions, it remains critically important to be proceeding uniformly and with Marian and/or me, so please continue to reach out to us [HOW?] about cases as you become aware of them.

Communication [You want this to be uniform and consistent, therefore specify how you want this done, for instance by way of email to both of us on the To line on all matters] with Marian and me on Cases / Issues re: Ms. Dookhan and JP Lab:

1. Thank you again to all the supervisors and ADAs that have been in touch with Marian and me about cases involving Ms. Dookhan and/or the JP Lab. Please continue to be in touch, whenever possible, with us prior to appearing on any case where issues involving Ms. Dookhan and/or the JP Lab have been raised by

the Commonwealth, court, and/or defendant. As you likely know, the situation and information we have is very fluid, and we are still waiting on outside agencies to provide us with additional and more definitive information relative to the nature, scope, and extent of the problem. That being said, based on what is known to date, Marian and I are trying hard to provide consistent and appropriate advice and guidance based on the information as it relates to the specific legal and factual circumstances of a case relative to issues like continuances, motions for new trials, motions to revise and revoke sentences, motions to stay execution of or vacate sentences, questions of bail, motions for discovery, etc.

2. We need to rely on your help in also following up with us as to the status / events after the case is in court. Marian and I are receiving an enormous amount of emails and data on this topic, which we need and appreciate, but which is growing every day as we identify additional cases. We would greatly appreciate your help in proactively keeping us apprised of events / court results afterward. Please also copy [Courtney Stanton] on any emails re: cases updates.

3. Please feel free to email or call Marian or myself at any time relative to these issues. Marian's cell phone is [REDACTED]. My cell phone is [REDACTED].

#### Discovery:

1. We have received documents relative to the AGO's criminal investigation into Ms. Dookhan for filing in discovery. For the time being, based on the information that we know to date, we will be filing this discovery in:

(a) any pending MDAO case where Ms. Dookhan may be a potential witness for the Commonwealth (primary, secondary, or notary) AND

(b) any pending MDAO case where the evidence in the case was processed at the JP Lab AND

(c) any disposed MDAO case that we are aware of in which Ms. Dookhan was a potential witness for the Commonwealth (primary, secondary, or notary) AND

(d) any disposed MDAO case that we are aware of in which the evidence in the case was processed at the JP Lab AND

If you have a case which does not fall into any of these categories, but you feel discovery concerning Ms. Dookhan and/or the JP Lab is appropriate in your case, please feel free to contact Marian and/or me to discuss the matter.

2. Right now, there are (2) notices to file, one from May 2012, which we have been filing based on information we learned in the Winter of 2012 regarding Ms. Dookhan, and another from 9/26/2012, which has an attachment in the form of a PDF file. Both notices and the PDF file, corresponding to the 9/26/12, are attached to this email. Please email Marian, [Courtney], and I the case in which you are making the filing(s), and the date of the filing(s). Sorry to be so detail oriented, but it is crucial for us to this data, to the extent that additional discovery filing must be made down the road.

Thank you very much in advance of helping us with this massive project.  
We appreciate your help -  
Jodi

---

From: Ryan, Marian (NOR)

Sent: Wednesday, September 26, 2012 3:19 PM

To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR);

Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)  
Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet. Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, September 05, 2012 1:39 PM  
To: NOR-DL-ALL MIDDLESEX ADA's  
Cc: Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)  
Subject: JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we



will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me [REDACTED] before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

**Archived:** Tuesday, March 12, 2019 10:36:15 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Mahon, Patrick (NOR); Walker, Jodi (NOR)  
**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: Supplemental Budget(s) and draft Letter to Governor  
**Sensitivity:** Normal

---

Agreed.  
This is a proposal.

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Tuesday, October 02, 2012 08:19 AM  
To: Mahon, Patrick (NOR); Walker, Jodi (NOR); Leone, Gerard (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
Subject: Re: Supplemental Budget(s) and draft Letter to Governor

I think that we should increase ours by the same proportion as Suffolk and add a contingency.

----- Original Message -----

From: Mahon, Patrick (NOR)  
Sent: Tuesday, October 02, 2012 08:17 AM  
To: Walker, Jodi (NOR); Leone, Gerard (NOR); Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Jodi and team

I just need to know the parameters, that we would be looking at if our model had to expand to include all JP lab cases, not just those involving Dookhan. I can then do a version B of our template. Let's discuss this a.m.

Thanks

Pat

-----Original Message-----

From: Walker, Jodi (NOR)  
Sent: Monday, October 01, 2012 8:03 PM  
To: Mahon, Patrick (NOR); Leone, Gerard (NOR); Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Hi all - This looks good, but I wonder two things:

(1) what about the cost of a data management program to help us stay organized with all the data that we are getting (does this exist? I will check with Howard a.s.a.p.); and

(2) this budget was drafted with an eye only towards the Dookhan cases. Suffolk DAO has two budgets - one for the Dookhan cases only, and one for the JP Lab cases overall. I think that we should consider, how, if at all, the model changes, as does our bottom line, if we expand this to all the JP Lab cases? I like Suffolk's plan of attack on this front, and think we should mirror it. (I will write shortly to update on the data meeting today at 1:00 p.m., but suffice to say, EOPSS is already collecting data for the JP Lab dating back to 2003).

Also, I suggested last week that the number of paralegals be bumped up to 2 in the attached budget (which Pat kindly did) - fortuitous in light of Courtney's resignation today. I think that we should consider interviewing for 2 paralegals, one to backfill Courtney for Marian and John, and a second paralegal 100% dedicated to JP Lab. Happy to discuss this more tomorrow.

---

From: Mahon, Patrick (DAA) [patrick.mahon@massmail.state.ma.us]  
Sent: Monday, October 01, 2012 5:30 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Leone, Gerard (NOR)  
Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Team

File attached has the \$ 50,000 Contingency added to the proposal. Please let me know what you think on both the Contingency number as well as other questions posed in the e-mail trail below.

Thanks

Pat

From: Leone, Gerard (NOR)  
Sent: Monday, October 01, 2012 5:20 PM  
To: Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Thanks Pat.

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To: Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Gerry

Will add the Contingency line @ \$25,000 for both FY 13 and FY 14.

I will await any further input till tomorrow morning and then move forward with Jodi and Marian and present a final draft to you then on to John Towle.

Pat

From: Leone, Gerard (NOR)  
Sent: Monday, October 01, 2012 4:59 PM  
To: Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Go ahead and add the "contingency expense line" and indicate to John Towle that we recommend it, unless people feel differently. Remember, we are setting the bar high to begin with, per the Das.

From: Mahon, Patrick (NOR)  
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To: Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Gerry and team

I have met with Howard and we have the capacity to add phone and fax lines without significant expense. We also may want to consider Laptops rather than workstations but the cost difference for these purposes is minimal. Again I reiterate that I would strongly urge that we add a Contingency Expense line for the great unknown.

Once I get the additional feedback as requested below, Jodi, Marian and I can craft a response for your approval.

I believe the idea of the supplemental request for FY 13 and an "add for FY 14" outside of the Maintenance/regular budget vs. a lump sum request will need to be resolved at the MDAA level.

Pat

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Subject: RE: Supplemental Budget(s) and draft Letter to Governor

Thanks Pat. Let's agree on a email response to John Towle and send it soon.

From: Mahon, Patrick (NOR)  
Sent: Monday, October 01, 2012 3:35 PM  
To: Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
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Gerry and Team

I have looked at the Budget submitted by Suffolk and saw some items that I/we did not add in non-Personnel Related Costs: Rent for additional space, "Super Printers", Phone lines, and Cell Phones as well as a Misc. Case Expenditure contingency. We should discuss whether we need the super printer(s) (with scanning and fax capability) as it is my understanding, that we will not have to secure additional office space and our current printers could be used. Based on my prior "Crisis Management" experience I would whole heartedly endorse adding a contingency dollar amount to our request. I will follow up with Howard, on whether or not, we would need the phone lines etc for the additional staff we wish to add to our roster.

I would ask that our Senior Legal people compare our staffing proposal vs. Suffolk's, and either okay what I have budgeted, or make recommendations for adds/deletes to Gerry.

I also did the MDAO budget request based on a supplemental request for FY 2013 and an add to the FY 14 Maintenance plan being proposed now, but Suffolk has apparently done theirs, based on a one year basis. It is something that should be clarified before the overall MDAA request is presented to the Governor and A&F.

Thanks

Pat

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Sent: Monday, October 01, 2012 3:05 PM  
To: Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
Cc: Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'  
Subject: JP Lab: Supplemental Budget(s) and draft Letter to Governor

Fyi, thoughts?

From: Towle, John (SUF)  
Sent: Monday, October 01, 2012 02:41 PM  
To: DAA-DL-DA&EXEC.ASST  
Cc: Maguire, Tara (DAA)  
Subject: Supplemental Budget(s) and draft Letter to Governor

Good afternoon,

Please find attached two documents. One contains two supplemental budget requests for Suffolk County. The first request is scaled to the Annie Dookhan-only caseload. The second reflects the supplemental budget requirements for this office should the scope of the work expand to include all cases out of the JP lab since 2003. Please note that we opted to seek funding for essentially an executive director position at the Superior Court level, and a supervisory position in our District Courts, as opposed to trying to recoup the time/salaries that senior leadership in the office have dedicated to this. Additionally, we included a rent request in order to house the new staff. The cost was calculated based upon the square footage cost for our main office, DCAM space guidelines, and then annualized . (If any of your budget teams wishes to pursue this as well I can forward along the DCAM guidelines and save them the trouble of looking for it.)

The second document is a proposed letter to the Governor justifying the total request for the Das and stressing the urgency of getting it done quickly. If anyone has any questions, suggestions or edits please don't hesitate to let me know. Thanks,

John

**Archived:** Tuesday, March 12, 2019 10:36:17 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Mahon, Patrick (NOR)  
**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor  
**Sensitivity:** Normal

---

me too, thanks



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Walker, Jodi (NOR)  
**Sent:** Tuesday, October 02, 2012 11:05 AM  
**To:** Mahon, Patrick (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** RE: Supplemental Budget(s) and draft Letter to Governor

Pat – Can you please email me the last version of the budget – the one with two versions (AD only; JP Lab broader)?

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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John

**Archived:** Tuesday, March 12, 2019 10:36:25 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'jodi.walker@state.ma.us'  
**Subject:** Fw: Point-of-Contact for Defense Bar on DPH lab cases  
**Sensitivity:** Normal

---

You or Marian?

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, October 02, 2012 09:49 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Point-of-Contact for Defense Bar on DPH lab cases

To the DAs,

At Monday's meeting with David Meier, CPCS and the Federal Public Defender's Office requested that each DA appoint an ADA to be a single-point-of-entry in each county on the DPH Lab cases. The DAs present agreed.

Please send me the name of your contact person for the defense bar.

In addition, CPCS asked as you determine which cases are Annie Dookhan cases, if you could also notify CPCS of the name of the court-appointed attorney. Lisa Hewitt is the point of contact for CPCS. She can be reached at [lhewitt@publiccounsel.net](mailto:lhewitt@publiccounsel.net). (At the meeting, both the DAs and CPCS urged David Meier to implement a system that can receive information from the DAs so we can all work to a single, accurate database of information on these cases. I will check in on the progress of this, as it seems sending or entering information to a single database is a better approach than calling CPCS with the attorneys on every cases.)

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 10:36:28 AM  
**From:** Leone, Gerard (NOR)  
**To:** NOR-DL-SENIOR LEADERSHIP TEAM  
**Subject:** JP Lab: Special Sessions and Judges: Press Release - Drug Lab Court Sessions  
**Sensitivity:** Normal  
**Attachments:**  
[Trial Court Drug Lab cases -Oct 2-12.doc](#);

---

FYI. As we assess and deal with the well publicized failures and fall out of the Hinton State Drug Lab in Jamaica Plain, MA, we are taking several internal and external steps to handle the case related ramifications to us. One step is to establish special court sessions to hear the matters associated with these drug cases. Please see the attached announcement from the Trial Court, which explains the presently intended approach. We will provide you with more information as we are provided with it. Please inform those within your areas of supervision about these updates. Thank you.  
Gerry



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
[Redacted] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Kenney, Joan [mailto:Joan.Kenney@sjc.state.ma.us]  
**Sent:** Tuesday, October 02, 2012 10:47 AM  
**To:** Maguire, Tara (DAA)  
**Subject:** Press Release - Drug Lab Court Sessions

To all,

Chief Justice Mulligan asked me to send you the attached press release that will be sent to the media this morning.

Thank you,  
Joan Kenney

Joan Kenney  
Public Information Office  
Supreme Judicial Court  
John Adams Courthouse  
One Pemberton Square  
Boston, MA 02108

Tel: [Redacted]  
[joan.kenney@sjc.state.ma.us](mailto:joan.kenney@sjc.state.ma.us)

**PUBLIC INFORMATION OFFICE  
SUPREME JUDICIAL COURT  
John Adams Courthouse  
One Pemberton Square  
Boston, Massachusetts 02108**

**CONTACT: Joan Kenney/Erika Gully-Santiago**  
[REDACTED]  
[joan.kenney@sjc.state.ma.us](mailto:joan.kenney@sjc.state.ma.us)

**FOR IMMEDIATE RELEASE:  
October 2, 2012**

### **Trial Court Designates Judges to Manage Drug Lab Cases**

The Trial Court underscores its commitment to cooperating with the prosecutors and defense counsel to ensure timely processing of cases involving the breach at the Hinton State Lab. We have established designated sessions for the purpose of assigning counsel and addressing the immediate liberty interests of the incarcerated defendants serving time in connection with a drug conviction stemming from a questionable drug analysis.

In each county the departmental Chief Justices have designated the following judges to oversee that department's cases and ensure expeditious processing. Approximately three-quarters of these initial cases are in the Superior Court and the remaining cases are split between the Boston Municipal Court and the District Court. The information available indicates that there are no juveniles presently committed to DYS on a drug offense.

Meetings continue with the District Attorneys and defense bar in each county to establish court dates for these cases in the next several weeks. The dates will vary county to county. The Trial Court is ready and available to handle cases immediately. Suffolk Superior Court has scheduled cases for the weeks of October 15<sup>th</sup> and 22<sup>nd</sup>. Court locations have been determined based on proximity to their county House of Correction to facilitate processing. Videoconferencing will be used wherever possible.

### **Drug Lab Courts by County**

	<b>Superior Court</b>	<b>District Court</b>	<b>Boston Court</b>
<b>Municipal Eastern Mass.</b>			
Suffolk	J. Christine McEvoy		J. Mary Ann Driscoll J. Mark Summerville (Boston Central)
Bristol	J. Robert Kane (Fall River)	Fall River District Court: J. Gilbert Nadeau & J. Kevan Cunningham	
Essex	J. David Lowy (Salem)	Salem District Court: J. Robert Brennan & J. Matthew Nestor	
Middlesex	J. Maureen Hogan (Woburn)	Cambridge Dist Ct (Medford): J. Roanne Sragow & J. Lynn Rooney	

Norfolk	J. Kenneth Fishman	Dedham District Court: J. Mary Hogan Sullivan & J. Mark Coven
Plymouth	J. Frank Gaziano (Brockton)	Brockton District Court: J. Paul Dawley & J. Theresa Wright
<b>Western Mass.</b>		
Berkshire	J. Jeffrey Kinder * (Springfield) *four western counties	Pittsfield District Court: J. Paul Vrabel
Franklin		Greenfield District Court: J. Maureen Walsh
Hampden		Springfield District Court: J. Maureen Walsh & J. W. Michael Goggins
Hampshire		Northampton District Court: J. Maureen Walsh & J. W. Michael Goggins
Worcester	J. James Lemire	Worcester District Court: J. Paul LoConto & J. David Despotopoulos
<b>Cape Cod &amp; Islands</b>		
Barnstable Dukes/ Nantucket	J. Robert Rufo	Barnstable District Court: J. James O'Neill J. Don Carpenter

###

**Archived:** Tuesday, March 12, 2019 10:36:33 AM

**From:** Leone, Gerard (NOR)

**To:** Mahon, Patrick (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Cc:** Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); 'pjmahon@comcast.net'

**Subject:** Re: MDAO DRAFT BUDGET for JP CRIME Lab Mtg Weds 10-3-2012

**Sensitivity:** Normal

---

Thanks.

Let's see where we are after Wed.'s mtg.

---

**From:** Mahon, Patrick (NOR)

**Sent:** Tuesday, October 02, 2012 05:59 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Cc:** Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); 'PJMahon@Comcast.net' <PJMahon@Comcast.net>

**Subject:** MDAO DRAFT BUDGET for JP CRIME Lab Mtg Weds 10-3-2012

Team

Attached you will find the latest **DRAFT** of our proposed Budget for the JP Crime Lab situation.

Tab 1 is for Dookhan Cases as a stand-alone scenario and tab 2 of the file, is if all work done at the lab was tainted. (Suffolk took a similar approach). We are proportionally appropriate to Suffolk in both proposals and seem to be in line with Essex which gave me a ballpark number earlier today. Suffolk does have \$750K in additional office space expense, which may skew their numbers when compared to our budget

Jodi and I will be attending the meeting at MDAA on Weds morning. At Jodi's suggestion, I have not shared these files nor numbers with anyone outside our office nor have I e-mailed anyone outside MDAO. However, I did indicate that "we are in the same ballpark" when I spoke to the Essex DA's, CFO, Maureen Colby.

Thanks

Pat

**Pat Mahon**

Director of Administration and Finance/CFO

Middlesex District Attorney Gerry Leone's Office

15 Commonwealth Ave, Woburn Ma 01801

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**Archived:** Tuesday, March 12, 2019 10:36:36 AM  
**From:** Leone, Gerard (NOR)  
**To:** Mahon, Patrick (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** Re: Norfolk DAO: Justice Restoration Project  
**Sensitivity:** Normal

---

Ok, team back afterwards. Thanks

---

**From:** Mahon, Patrick (NOR)  
**Sent:** Tuesday, October 02, 2012 08:35 PM  
**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Re: Norfolk DAO: Justice Restoration Project

Norfolk is higher than is us as they have 12 attorneys vs our 6 if the numbers Norfolk are just Dookhan cases only. Will have to sort all those out at mtg at MDAA

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, October 02, 2012 06:42 PM  
**To:** Mahon, Patrick (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Subject:** Norfolk DAO: Justice Restoration Project

For Context.  
Thanks.

---

**From:** Barnett, Kathleen (NFK)  
**Sent:** Tuesday, October 02, 2012 05:17 PM  
**To:** Leone, Gerard (NOR); Cruz, Timothy (PLY); Sutter, Samuel (BRI); Cruise, Donna (PLY); Butler, Lucia (BRI); Maguire, Tara (DAA)  
**Cc:** Morrissey, Michael (NFK); Carroll, Jeanmarie (NFK); Connolly, Michael (NFK); Krippendorf, Margaret (NFK)  
**Subject:** Justice Restoration Project

Michael asked me to send the attached draft budget that might help with the discussion at tomorrow's 10:00 a.m. meeting.

Thank you.

Kathleen A. Barnett  
Chief Fiscal Officer  
Office of Norfolk District Attorney Michael W. Morrissey  
45 Shawmut Road  
Canton, MA 02021  
[REDACTED] Fax

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**Archived:** Tuesday, March 12, 2019 10:36:39 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Cc:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Bcc:** Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: Point-of-Contact for Defense Bar on DPH lab cases  
**Sensitivity:** Normal

---

Marian Ryan for Middlesex, Tara.  
(Jodi Walker is our POC if Marian can't be reached).  
Thanks

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, October 02, 2012 09:49 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Point-of-Contact for Defense Bar on DPH lab cases

To the DAs,

At Monday's meeting with David Meier, CPCS and the Federal Public Defender's Office requested that each DA appoint an ADA to be a single-point-of-entry in each county on the DPH Lab cases. The DAs present agreed.

Please send me the name of your contact person for the defense bar.

In addition, CPCS asked as you determine which cases are Annie Dookhan cases, if you could also notify CPCS of the name of the court-appointed attorney. Lisa Hewitt is the point of contact for CPCS. She can be reached at [lhewitt@publiccounsel.net](mailto:lhewitt@publiccounsel.net). (At the meeting, both the DAs and CPCS urged David Meier to implement a system that can receive information from the DAs so we can all work to a single, accurate database of information on these cases. I will check in on the progress of this, as it seems sending or entering information to a single database is a better approach than calling CPCS with the attorneys on every cases.)

Thank you,  
Tara



**Archived:** Tuesday, March 12, 2019 10:36:42 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Subject:** Re: Point-of-Contact for Defense Bar on DPH lab cases  
**Sensitivity:** Normal

---

Thanks Jodi

---

**From:** Walker, Jodi (NOR)  
**Sent:** Wednesday, October 03, 2012 06:53 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Point-of-Contact for Defense Bar on DPH lab cases

Marian - She has already been working with / taking calls from middlesex CPCS and defenders. Thanks.

Sent from my iPhone

On Oct 3, 2012, at 5:39 AM, "Leone, Gerard (DAA)" <[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)> wrote:

If we have to have one POC for this as stated below. Does it make more sense to be you or Marian?

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, October 02, 2012 09:49 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Point-of-Contact for Defense Bar on DPH lab cases

To the DAs,

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Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 10:36:44 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** 'jodi.walker@state.ma.us'

**Subject:** Re: Revised Draft Internal F/U

**Sensitivity:** Normal

---

Thanks Marian.

---

**From:** Ryan, Marian (NOR)

**Sent:** Tuesday, October 02, 2012 06:18 PM

**To:** Walker, Jodi (NOR); Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** 'Jodi.Walker@state.ma.us' <Jodi.Walker@state.ma.us>

**Subject:** RE: Revised Draft Internal F/U

The good (so far) news is that the Trial Court has identified only 75 Ds in custody of DOC and HC from Superior Court in M'sex on AD cases \_ Judge Hogan plans to do 26/day and hopefully they will be done by video-She will provide us w a list by tomorrow so that we can begin to gather files.

Marian Ryan

General Counsel

Middlesex District Attorney's Office

15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

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**From:** Walker, Jodi (NOR)

**Sent:** Tuesday, October 02, 2012 6:12 PM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR); 'Jodi.Walker@state.ma.us'

**Subject:** Revised Draft Internal F/U

Marian and I have reviewed the below, and incorporated your comments.

We are ready (if you are) to send it out to Senior Leadership – appraisal to Stephanie, GTL?

We will definitely have more info to supplement as we go because we get more info by the minute. For example, Marian learned this afternoon that Judge Hogan in Middlesex Superior Court intends to begin a Superior Court JP Lab / AD session 3 days a week starting the week of 10/22. I don't think that we need to bog everybody with all the details yet. We will need to identify very quickly the Sup. Ct. ADA POC soon. I know that SWE already started conversations re: District Court ADA POC (as Camb. D.Ct. is starting up soon ) and staffing in Camb. D.Ct.

Thanks for your help –  
jlw

\*\*\*\*\*

Good afternoon – I am writing to follow-up to the below 2 emails from Marian, dated 9/4/2012 and 9/26/12, regarding the DPH JP Lab and its former chemist Annie Khan Dookhan. As many of you know, the JP Lab was closed by the Mass SP on August, 30, 2012, and its former chemist, Annie Dookhan, was arraigned last Friday on criminal charges related to her conduct in connection with the JP Lab's closure, including criminal charges of obstructing justice and falsifying her CV. The AGO reports that it is continuing to conduct investigate Ms. Dookhan's conduct and the DPH JP Lab.

With that background, first and foremost, many thanks to you all for being in touch with Marian and I regarding your cases involving Ms. Dookhan. As we continue to try and sort through this very fluid situation, we will need to continue to rely on your help and communication with us. With that in mind, we provide the following information and additional directions below. Please do not hesitate to call or email us with questions or issues.

### **Inventory of MDAO Cases:**

1. **Pending Dookhan cases:** Please continue to review your pending cases (pre-conviction and pending appeals) for any matters that may involve Ms. Dookhan, whether she served as the primary chemist, secondary chemist, and/or notary on the drug certification (N.B. You will need to actually look at the drug certification to determine if she signed as the notary). Please forward information as to a pending case involving Annie Dookhan in any of these roles to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 12, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none with Ms. Dookhan as a potential witness, also no later than October 12, 2012.
2. **Pending JP Lab cases:** With your help, we would like to broaden our case inventory to any pending MDAO cases (pre-conviction and pending appeals) where the evidence in the case was tested by any chemist, not just Ms. Dookhan, at the Hinton / JP Lab from 2003 - August 2012. Please bear in mind that MDAO formally stopped sending its evidence to this laboratory in 2009. We believe, however, anecdotally, that evidence in a few MDAO cases may have been tested at this lab after 2009. Please forward information as to a pending case involving the JP Lab to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 12, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none involving evidence tested at the JP Lab, also no later than October 12, 2012.
3. **Disposed Dookhan cases:** With your help, we would also like to broaden our case inventory – and tap your historical knowledge – with regard to disposed MDAO cases. If you are aware of and/or have prosecuted a disposed case where Ms. Dookhan was a potential or actual witness for the Commonwealth, either in her role as a primary or secondary chemist or in some other capacity in the

case, for example, as a notary on the drug certification, please forward the case information, including the defendant's name, docket number, court, disposition date, disposition and/or sentence, if any, to Marian and me as well as Courtney Stanton via email, no later than October 12, 2012. For your information, Ms. Dookhan worked at the JP Lab from 2003-2012.

4. **Any other cases involving Ms. Dookhan and/or JP Lab Issues:** If there are any other cases that you are aware of – or come to be aware of – that involve these issues, but don't necessarily fall into any of the above-three categories, please let us know as well, no later than October 12, 2012, or whenever they are brought to your attention by an attorney and/or the Court.

#### **“Working Room”:**

As many of you may know, Governor Patrick has established a “working room” to help all the District Attorneys’ Offices mine through data to identify, with specific and useful information, any cases involving Ms. Dookhan. The DAOs, including MDAO, have received some general data regarding samples Ms. Dookhan processed. Last week, the DAOs received additional case identifying information that we are reviewing and which may help us identify defendants in custody on cases in which Ms. Dookhan was and/or is a potential witness. The details of the “Working Room,” are still very fluid and being discussed, but Governor Patrick has identified former prosecutor David Meier to head up the project. We are optimistic that once established and running, the Working Room can provide us with a more complete and useable data, but for the time being, we will be highly dependant on your historical memory and case searches, especially as they relate to JP Lab cases that do not involve Ms. Dookhan, as to date we have received very little data for this category of prosecutions. We do have other ideas to help us identify these cases, and suspect that many of you may as well. Please feel free to reach out to Marian and/or me if you have an idea to help retrieve data.

#### **“JP Lab / Ms. Dookhan Sessions”:**

Preliminary discussions have begun to identify sessions in Middlesex Superior Court – likely Woburn – and Middlesex District Court – likely Cambridge District Court – dedicated to prosecuting and sorting through cases and issues involving Ms. Dookhan and/or the JP Lab. Things appear to be moving quickly towards these sessions. We promise to keep you posted on this front, but if / until all these cases wind up in the same sessions, it remains critically important to be proceeding uniformly and with Marian and/or me, so please continue to reach out to us via email to both of us, copying Courtney Stanton, about cases as you become aware of them.

#### **Communication with Marian and me on Cases / Issues re: Ms. Dookhan and JP Lab:**

1. Thank you again to all the supervisors and ADAs that have been in touch with Marian and me about cases involving Ms. Dookhan and/or the JP Lab. Please continue to be in touch, whenever possible, with us prior to appearing on any case where issues involving Ms. Dookhan and/or the JP Lab have been raised by the Commonwealth, court, and/or defendant. The best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. If you don’t have time to email, please feel free to call us on our cell phones, but make sure to follow up with an email when you

are able.

As you likely know, the situation and information we have is very fluid, and we are still waiting on outside agencies to provide us with additional and more definitive information relative to the nature, scope, and extent of the problem. That being said, based on what is known to date, Marian and I are trying hard to provide consistent and appropriate advice and guidance based on the information as it relates to the specific legal and factual circumstances of a case relative to issues like continuances, motions for new trials, motions to revise and revoke sentences, motions to stay execution of or vacate sentences, questions of bail, motions for discovery, etc.

2. We need to rely on your help in also following up with us as to the status / events after the case is in court. Again, the best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. Marian and I are receiving an enormous amount of emails and data on this topic, which we need and appreciate, but which is growing every day as we identify additional cases. We would greatly appreciate your help in proactively keeping us apprised of events / court results afterward.

3. Please feel free to email or call Marian or myself at any time relative to these issues. Marian’s cell phone is [REDACTED]. My cell phone is [REDACTED].

4. If you are communicating with Marian and I on a District Court matter, please also remember to copy Sarah Ellis on the email.

### **Discovery:**

1. We have received documents relative to the AGO’s criminal investigation into Ms. Dookhan for filing in discovery. For the time being, based on the information that we know to date, we will be filing this discovery in:

(a) any pending MDAO case where Ms. Dookhan may be a potential witness for the Commonwealth (primary, secondary, or notary) **AND**

(b) any pending MDAO case where the evidence in the case was processed at the JP Lab **AND**

(c) any disposed MDAO case that we are or become aware of in which Ms. Dookhan was a potential witness for the Commonwealth (primary, secondary, or notary).

If you have a case which does not fall into any of these categories, but you feel discovery concerning Ms. Dookhan and/or the JP Lab is appropriate in your case, please feel free to contact Marian and/or me to discuss the matter.

2. Right now, there are (2) notices to file, one from May 2012, which we have been filing based on information we learned in the Winter of 2012 regarding Ms. Dookhan, and another from 9/26/2012, which has an attachment in the form of a PDF file. Both notices and the PDF file, corresponding to the

9/26/12, are attached to this email. Please email Marian and I, copying Courtney Stanton, with the case name in which you are making the filing(s), and the date of the filing(s). Sorry to be so detail oriented, but it is crucial for us to this data, to the extent that additional discovery filing must be made down the road.

Thank you very much in advance of helping us with this massive project.

We appreciate your help -

Jodi

---

From: Ryan, Marian (NOR)

Sent: Wednesday, September 26, 2012 3:19 PM

To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)

Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet.

Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan

General Counsel

Middlesex District Attorney's Office

15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, September 05, 2012 1:39 PM  
To: NOR-DL-ALL MIDDLESEX ADA's  
Cc: Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)  
Subject: JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me [REDACTED] before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan

General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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*Jodi Walker*  
*Legal Counsel to District Attorney Gerry Leone*  
*Middlesex District Attorney's Office*  
*15 Commonwealth Avenue*  
*Woburn, MA 01801*  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 10:36:53 AM

**From:** Leone, Gerard (NOR)

**To:** Mahon, Patrick (NOR); 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)

**Subject:** Fw: DA Justice Restoration Team Estimated Budget for NWDA-Franklin and Hampshire counties

**Sensitivity:** Normal

**Attachments:**

[Justice Restoration Team estimated budget.docx](#);

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**From:** Sullivan, David (NWD)

**Sent:** Wednesday, October 03, 2012 11:03 AM

**To:** DAA-DL-DA&EXEC.ASST

**Cc:** McNally, Mary (WES); Dudkiewicz, Donna (NWD); Jeremy Bucci (jeremy.bucci@state.ma.us) <jeremy.bucci@state.ma.us>; Maguire, Tara (DAA); Tarantino, Rosemary (NWD); Healy, Janice (NWD)

**Subject:** FW: DA Justice Restoration Team Estimated Budget for NWDA-Franklin and Hampshire counties

Dear Tara and DAs: Please find attached the Northwestern DA's supplemental budget request to handle impact of Hinton drug lab debacle. Thank you for including in the DA supplemental budget request.

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*This e-mail message is generated from the **Office of the Northwestern District Attorney** and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.*

**Northwestern District  
DA JUSTICE RESTORATION TEAM**

**Northwestern District Budget Estimate**

<b><u>Description</u></b>	<b><u>Amount</u></b>
1 Superior Court level ADA avg. salary	\$ 62,000
Payroll Tax	\$ 800
1 Experienced administrative assistant	\$ 30,000
Payroll Tax	<u>\$ 387</u>
<b>Total</b>	<b>\$ 93,187</b>

**Archived:** Tuesday, March 12, 2019 10:36:55 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR); Ramasci, Michelle (NOR); 'Jodi.Walker@state.ma.us'; Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Bcc:** Leone, Gerard (NOR)

**Subject:** JP Lab MDAO Internal Communication

**Sensitivity:** Normal

---

sharing with Sarah, because I just articulated some additional thoughts that we may want to incorporate into this messaging, during a conversation that moved sideways into JP Lab issues with SWE, Pam and Mike.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Walker, Jodi (NOR)

**Sent:** Thursday, October 04, 2012 2:17 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ryan, Marian (NOR); Ramasci, Michelle (NOR); 'Jodi.Walker@state.ma.us'

**Subject:** DRAFT GTL Tag-on email

GTL – Below, for your review, in red is a draft tag-along email to my (as yet unsent) MDAO SENIOR LEADERSHIP email, which I have copied below, and which you, Marian, et al, have already reviewed.

When you are ready with this tag-along piece, I will send the below email to Senior Leadership with the discovery attachment to date. Hopefully I have captured the spirit of what you'd like to convey. Thanks.

I want to thank all of our staff, especially our ADAs, for their assistance and responsiveness to Marian and Jodi on all issues involving Annie Dookhan and the JP Lab -- a problem, not of our making, that continues to lack full clarity in its nature, scope, and extent.

As we continue to address -- as quickly and thoughtfully as possible -- the very fluid legal, factual, and equitable issues involving this former chemist and lab, I want to stress the importance of our insistence that the rules of criminal procedure be followed by all parties involved in cases involving Annie Dookhan and the JP Lab. We need to be requesting that appropriate motions are filed, and requesting that all parties are given the opportunity to be prepared and heard on the issues.

It is equally critical that each case includes a clear and complete record, stating our positions and the reasons for our positions orally, and when time allows, in writing. We must make sure that the record reflects our efforts to ensure that justice is being done for the defendants as well as for the people we protect in Middlesex County. Marian and Jodi will be giving further guidance on this point.

Please feel free to follow up with Marian and Jodi if you have any questions.

JW to send the below email first (NOT yet sent) to all SENIOR LEADERSHIP.

---

Good afternoon – I am writing to follow-up to the below 2 emails from Marian, dated 9/4/2012 and 9/26/12, regarding the DPH JP Lab and its former chemist Annie Khan Dookhan. As many of you know, the JP Lab was closed by the Mass SP on August, 30, 2012, and its former chemist, Annie Dookhan, was arraigned last Friday on criminal charges related to her conduct in connection with the JP Lab's closure, including criminal charges of obstructing justice and falsifying her CV. The AGO reports that it is continuing to investigate Ms. Dookhan's conduct and the DPH JP Lab.

With that background, first and foremost, many thanks to you all for being in touch with Marian and I regarding your cases involving Ms. Dookhan. As we continue to try and sort through this very fluid situation, we will need to continue to rely on your help and communication with us. With that in mind, we provide the following information and additional directions below. Please do not hesitate to call or email us with questions or issues.

### **Inventory of MDAO Cases:**

1. **Pending Dookhan cases:** Please continue to review your pending cases (pre-conviction and pending appeals) for any matters that may involve Ms. Dookhan, whether she served as the primary chemist, secondary chemist, and/or notary on the drug certification (N.B. You will need to actually look at the drug certification to determine if she signed as the notary). Please forward information as to a pending case involving Annie Dookhan in any of these roles to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none with Ms. Dookhan as a potential witness, also no later than October 15, 2012.
2. **Pending JP Lab cases:** With your help, we would like to broaden our case inventory to any pending MDAO cases (pre-conviction and pending appeals) where the evidence in the case was tested by any chemist, not just Ms. Dookhan, at the Hinton / JP Lab from 2003 - August 2012. Please bear in mind that MDAO formally stopped sending its evidence to this laboratory in 2009. We believe, however, anecdotally, that evidence in a few MDAO cases may have been tested at this lab after 2009. Please forward information as to a pending case involving the JP Lab to Marian and me as well as

Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none involving evidence tested at the JP Lab, also no later than October 15, 2012.

3. **Disposed Dookhan cases:** With your help, we would also like to broaden our case inventory – and tap your historical knowledge – with regard to disposed MDAO cases. If you are aware of and/or have prosecuted a disposed case where Ms. Dookhan was a potential or actual witness for the Commonwealth, either in her role as a primary or secondary chemist or in some other capacity in the case, for example, as a notary on the drug certification, please forward the case information, including the defendant's name, docket number, court, disposition date, disposition and/or sentence, if any, to Marian and me as well as Courtney Stanton via email, no later than October 15, 2012. For your information, Ms. Dookhan worked at the JP Lab from 2003-2012.

4. **Any other cases involving Ms. Dookhan and/or JP Lab Issues:** If there are any other cases that you are aware of – or come to be aware of – that involve these issues, but don't necessarily fall into any of the above-three categories, please let us know as well, no later than October 15, 2012, or whenever they are brought to your attention by an attorney and/or the Court.

### **“Working Room”:**

As many of you may know, Governor Patrick has established a “working room” to help all the District Attorneys' Offices mine through data to identify, with specific and useful information, any cases involving Ms. Dookhan. The DAOs, including MDAO, have received some general data regarding samples Ms. Dookhan processed. Last week, the DAOs received additional case identifying information that we are reviewing and which may help us identify defendants in custody on cases in which Ms. Dookhan was and/or is a potential witness. The details of the “Working Room,” are still very fluid and being discussed, but Governor Patrick has identified former prosecutor David Meier to head up the project. We are optimistic that once established and running, the Working Room can provide us with a more complete and useable data, but for the time being, we will be highly dependent on your historical memory and case searches, especially as they relate to JP Lab cases that do not involve Ms. Dookhan, as to date we have received very little data for this category of prosecutions. We do have other ideas to help us identify these cases, and suspect that many of you may as well. Please feel free to reach out to Marian and/or me if you have an idea to help retrieve data.

### **“JP Lab / Ms. Dookhan Sessions”:**

Preliminary discussions have begun to identify sessions in Middlesex Superior Court – likely Woburn – and Middlesex District Court – likely Cambridge District Court – dedicated to prosecuting and sorting through cases and issues involving Ms. Dookhan and/or the JP Lab. Things appear to be moving quickly towards these sessions. We promise to keep you posted on this front, but if / until all these cases wind up in the same sessions, it remains critically important to be proceeding uniformly and with Marian and/or me, so please continue to reach out to us via email to both of us, copying Courtney Stanton, about cases as you become aware of them.

## **Communication with Marian and me on Cases / Issues re: Ms. Dookhan and JP Lab:**

1. Thank you again to all the supervisors and ADAs that have been in touch with Marian and me about cases involving Ms. Dookhan and/or the JP Lab. Please continue to be in touch, whenever possible, with us prior to appearing on any case where issues involving Ms. Dookhan and/or the JP Lab have been raised by the Commonwealth, court, and/or defendant. The best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. If you don’t have time to email, please feel free to call us on our cell phones, but make sure to follow up with an email when you are able.

As you likely know, the situation and information we have is very fluid, and we are still waiting on outside agencies to provide us with additional and more definitive information relative to the nature, scope, and extent of the problem. That being said, based on what is known to date, Marian and I are trying hard to provide consistent and appropriate advice and guidance based on the information as it relates to the specific legal and factual circumstances of a case relative to issues like continuances, motions for new trials, motions to revise and revoke sentences, motions to stay execution of or vacate sentences, questions of bail, motions for discovery, etc.

2. We need to rely on your help in also following up with us as to the status / events after the case is in court. Again, the best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. Marian and I are receiving an enormous amount of emails and data on this topic, which we need and appreciate, but which is growing every day as we identify additional cases. We would greatly appreciate your help in proactively keeping us apprised of events / court results afterward.

3. Please feel free to email or call Marian or myself at any time relative to these issues. Marian’s cell phone is [REDACTED]. My cell phone is [REDACTED].

4. If you are communicating with Marian and I on a District Court matter, please also remember to copy Sarah Ellis on the email.

## **Discovery:**

1. We have received documents relative to the AGO’s criminal investigation into Ms. Dookhan for filing in discovery. For the time being, based on the information that we know to date, we will be filing this discovery in:

(a) any pending MDAO case where Ms. Dookhan may be a potential witness for the Commonwealth (primary, secondary, or notary) **AND**

(b) any pending MDAO case where the evidence in the case was processed at the JP Lab **AND**

(c) any disposed MDAO case that we are or become aware of in which Ms. Dookhan was a potential

witness for the Commonwealth (primary, secondary, or notary).

If you have a case which does not fall into any of these categories, but you feel discovery concerning Ms. Dookhan and/or the JP Lab is appropriate in your case, please feel free to contact Marian and/or me to discuss the matter.

2. Right now, there are (2) notices to file, one from May 2012, which we have been filing based on information we learned in the Winter of 2012 regarding Ms. Dookhan, and another from 9/26/2012, which has an attachment in the form of a PDF file. Both notices and the PDF file, corresponding to the 9/26/12 notice, are attached to this email. Please email Marian and I, copying Courtney Stanton, with the case name in which you are making the filing(s), and the date of the filing(s). Sorry to be so detail oriented, but it is crucial for us to this data, to the extent that additional discovery filing must be made down the road.

Thank you very much in advance of helping us with this massive project.

We appreciate your help -

Jodi

---

From: Ryan, Marian (NOR)

Sent: Wednesday, September 26, 2012 3:19 PM

To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)

Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet.

Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED]

[REDACTED]

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: 781-897-8450  
Fax: 781-897-8403

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, September 05, 2012 1:39 PM  
To: NOR-DL-ALL MIDDLESEX ADA's  
Cc: Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)  
Subject: JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me ([REDACTED]) before responding



to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
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**Archived:** Tuesday, March 12, 2019 10:37:05 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Ramasci, Michelle (NOR); 'Jodi.Walker@state.ma.us'  
**Subject:** RE: DRAFT GTL Tag-on email  
**Sensitivity:** Normal

---

this is great, but I think we need to provide the statement for the record so that we are consistent and uniform.  
Sarah was going to draft that.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Thursday, October 04, 2012 3:02 PM  
**To:** Walker, Jodi (NOR); Leone, Gerard (NOR)  
**Cc:** Ramasci, Michelle (NOR); 'Jodi.Walker@state.ma.us'  
**Subject:** Re: DRAFT GTL Tag-on email

I like this

---

**From:** Walker, Jodi (NOR)  
**Sent:** Thursday, October 04, 2012 02:16 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Ryan, Marian (NOR); Ramasci, Michelle (NOR); 'Jodi.Walker@state.ma.us' <Jodi.Walker@state.ma.us>  
**Subject:** DRAFT GTL Tag-on email

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and equitable issues involving this former chemist and lab, I want to stress the importance of our insistence that the rules of criminal procedure be followed by all parties involved in cases involving Annie Dookhan and the JP Lab. We need to be requesting that appropriate motions are filed, and requesting that all parties are given the opportunity to be prepared and heard on the issues.

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JW to send the below email first (NOT yet sent) to all SENIOR LEADERSHIP.

---

Good afternoon – I am writing to follow-up to the below 2 emails from Marian, dated 9/4/2012 and 9/26/12, regarding the DPH JP Lab and its former chemist Annie Khan Dookhan. As many of you know, the JP Lab was closed by the Mass SP on August, 30, 2012, and its former chemist, Annie Dookhan, was arraigned last Friday on criminal charges related to her conduct in connection with the JP Lab's closure, including criminal charges of obstructing justice and falsifying her CV. The AGO reports that it is continuing to investigate Ms. Dookhan's conduct and the DPH JP Lab.

With that background, first and foremost, many thanks to you all for being in touch with Marian and I regarding your cases involving Ms. Dookhan. As we continue to try and sort through this very fluid situation, we will need to continue to rely on your help and communication with us. With that in mind, we provide the following information and additional directions below. Please do not hesitate to call or email us with questions or issues.

### **Inventory of MDAO Cases:**

1. **Pending Dookhan cases:** Please continue to review your pending cases (pre-conviction and pending appeals) for any matters that may involve Ms. Dookhan, whether she served as the primary chemist, secondary chemist, and/or notary on the drug certification (N.B. You will need to actually look at the drug certification to determine if she signed as the notary). Please forward information as to a pending case involving Annie Dookhan in any of these roles to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none with Ms. Dookhan as a potential witness, also no later than October 15, 2012.

2. **Pending JP Lab cases:** With your help, we would like to broaden our case inventory to any

pending MDAO cases (pre-conviction and pending appeals) where the evidence in the case was tested by any chemist, not just Ms. Dookhan, at the Hinton / JP Lab from 2003 - August 2012. Please bear in mind that MDAO formally stopped sending its evidence to this laboratory in 2009. We believe, however, anecdotally, that evidence in a few MDAO cases may have been tested at this lab after 2009. Please forward information as to a pending case involving the JP Lab to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none involving evidence tested at the JP Lab, also no later than October 15, 2012.

3. **Disposed Dookhan cases:** With your help, we would also like to broaden our case inventory – and tap your historical knowledge – with regard to disposed MDAO cases. If you are aware of and/or have prosecuted a disposed case where Ms. Dookhan was a potential or actual witness for the Commonwealth, either in her role as a primary or secondary chemist or in some other capacity in the case, for example, as a notary on the drug certification, please forward the case information, including the defendant's name, docket number, court, disposition date, disposition and/or sentence, if any, to Marian and me as well as Courtney Stanton via email, no later than October 15, 2012. For your information, Ms. Dookhan worked at the JP Lab from 2003-2012.

4. **Any other cases involving Ms. Dookhan and/or JP Lab Issues:** If there are any other cases that you are aware of – or come to be aware of – that involve these issues, but don't necessarily fall into any of the above-three categories, please let us know as well, no later than October 15, 2012, or whenever they are brought to your attention by an attorney and/or the Court.

### **“Working Room”:**

As many of you may know, Governor Patrick has established a “working room” to help all the District Attorneys' Offices mine through data to identify, with specific and useful information, any cases involving Ms. Dookhan. The DAOs, including MDAO, have received some general data regarding samples Ms. Dookhan processed. Last week, the DAOs received additional case identifying information that we are reviewing and which may help us identify defendants in custody on cases in which Ms. Dookhan was and/or is a potential witness. The details of the “Working Room,” are still very fluid and being discussed, but Governor Patrick has identified former prosecutor David Meier to head up the project. We are optimistic that once established and running, the Working Room can provide us with a more complete and useable data, but for the time being, we will be highly dependent on your historical memory and case searches, especially as they relate to JP Lab cases that do not involve Ms. Dookhan, as to date we have received very little data for this category of prosecutions. We do have other ideas to help us identify these cases, and suspect that many of you may as well. Please feel free to reach out to Marian and/or me if you have an idea to help retrieve data.

### **“JP Lab / Ms. Dookhan Sessions”:**

Preliminary discussions have begun to identify sessions in Middlesex Superior Court – likely Woburn – and Middlesex District Court – likely Cambridge District Court – dedicated to prosecuting and sorting

through cases and issues involving Ms. Dookhan and/or the JP Lab. Things appear to be moving quickly towards these sessions. We promise to keep you posted on this front, but if / until all these cases wind up in the same sessions, it remains critically important to be proceeding uniformly and with Marian and/or me, so please continue to reach out to us via email to both of us, copying Courtney Stanton, about cases as you become aware of them.

### **Communication with Marian and me on Cases / Issues re: Ms. Dookhan and JP Lab:**

1. Thank you again to all the supervisors and ADAs that have been in touch with Marian and me about cases involving Ms. Dookhan and/or the JP Lab. Please continue to be in touch, whenever possible, with us prior to appearing on any case where issues involving Ms. Dookhan and/or the JP Lab have been raised by the Commonwealth, court, and/or defendant. The best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. If you don’t have time to email, please feel free to call us on our cell phones, but make sure to follow up with an email when you are able.

As you likely know, the situation and information we have is very fluid, and we are still waiting on outside agencies to provide us with additional and more definitive information relative to the nature, scope, and extent of the problem. That being said, based on what is known to date, Marian and I are trying hard to provide consistent and appropriate advice and guidance based on the information as it relates to the specific legal and factual circumstances of a case relative to issues like continuances, motions for new trials, motions to revise and revoke sentences, motions to stay execution of or vacate sentences, questions of bail, motions for discovery, etc.

2. We need to rely on your help in also following up with us as to the status / events after the case is in court. Again, the best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. Marian and I are receiving an enormous amount of emails and data on this topic, which we need and appreciate, but which is growing every day as we identify additional cases. We would greatly appreciate your help in proactively keeping us apprised of events / court results afterward.

3. Please feel free to email or call Marian or myself at any time relative to these issues. Marian’s cell phone is [REDACTED]. My cell phone is [REDACTED].

4. If you are communicating with Marian and I on a District Court matter, please also remember to copy Sarah Ellis on the email.

### **Discovery:**

1. We have received documents relative to the AGO’s criminal investigation into Ms. Dookhan for filing in discovery. For the time being, based on the information that we know to date, we will be filing this discovery in:

(a) any pending MDAO case where Ms. Dookhan may be a potential witness for the Commonwealth

(primary, secondary, or notary) AND

(b) any pending MDAO case where the evidence in the case was processed at the JP Lab AND

(c) any disposed MDAO case that we are or become aware of in which Ms. Dookhan was a potential witness for the Commonwealth (primary, secondary, or notary).

If you have a case which does not fall into any of these categories, but you feel discovery concerning Ms. Dookhan and/or the JP Lab is appropriate in your case, please feel free to contact Marian and/or me to discuss the matter.

2. Right now, there are (2) notices to file, one from May 2012, which we have been filing based on information we learned in the Winter of 2012 regarding Ms. Dookhan, and another from 9/26/2012, which has an attachment in the form of a PDF file. Both notices and the PDF file, corresponding to the 9/26/12 notice, are attached to this email. Please email Marian and I, copying Courtney Stanton, with the case name in which you are making the filing(s), and the date of the filing(s). Sorry to be so detail oriented, but it is crucial for us to this data, to the extent that additional discovery filing must be made down the road.

Thank you very much in advance of helping us with this massive project.

We appreciate your help -

Jodi

---

From: Ryan, Marian (NOR)

Sent: Wednesday, September 26, 2012 3:19 PM

To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)

Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this

discovery.

If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet.

Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, September 05, 2012 1:39 PM  
To: NOR-DL-ALL MIDDLESEX ADA's  
Cc: Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)  
Subject: JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was



convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me [REDACTED] before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 10:37:25 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ramasci, Michelle (NOR)  
**Subject:** RE: Point-of-Contact for Defense Bar on DPH lab cases  
**Sensitivity:** Normal

---

yes  
MTR



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[Redacted] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ramasci, Michelle (NOR)  
**Sent:** Wednesday, October 03, 2012 12:08 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Point-of-Contact for Defense Bar on DPH lab cases

I'm assuming you already responded to Tara. For my own knowledge, will this person be Jodi or Marian?

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, October 02, 2012 9:49 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Point-of-Contact for Defense Bar on DPH lab cases

To the DAs,

At Monday's meeting with David Meier, CPCS and the Federal Public Defender's Office requested that each DA appoint an ADA to be a single-point-of-entry in each county on the DPH Lab cases. The DAs present agreed.

Please send me the name of your contact person for the defense bar.

In addition, CPCS asked as you determine which cases are Annie Dookhan cases, if you could also notify CPCS of the name of the court-appointed attorney. Lisa Hewitt is the point of contact for CPCS. She can be reached at [lhewitt@publiccounsel.net](mailto:lhewitt@publiccounsel.net). (At the meeting, both the DAs and CPCS urged David Meier to implement a system that can receive information from the DAs so we can all work to a single, accurate database of information on these cases. I will check in on the progress of this, as it seems sending or entering information to a single database is a better approach than calling CPCS with the attorneys on every cases.)

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 10:37:39 AM  
**From:** Leone, Gerard (NOR)  
**To:** Guyotte, Stephanie (NOR)  
**Cc:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** Re: Boston Globe  
**Sensitivity:** Normal

---

Thx, just as well.

----- Original Message -----

From: Guyotte, Stephanie (NOR)  
Sent: Thursday, October 04, 2012 07:21 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: Re: Boston Globe

No. He has not called us.

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Thursday, October 04, 2012 07:04 PM  
To: Guyotte, Stephanie (NOR)  
Cc: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: FW: Boston Globe

FYI Stephanie.  
Did Ellement call us?

-----Original Message-----

From: Early, Joseph (MID)  
Sent: Thursday, October 04, 2012 4:58 PM  
To: OKeefe, Michael (CPI)  
Cc: Blodgett, Jonathan (EAS); DA Michael OKeefe; DAA-DL-DA&EXEC.ASST  
Subject: Re: Boston Globe

I just spoke with him and he mentioned that he did talk to you Jon. I deferred to you and the counties that have the majority of these cases in terms of what will be needed financial resources. I told him there was no way of knowing how many years this problem would last.

You should know that we just found several Annie Dookhan cases in our office.

Sent from my iPhone

On Oct 4, 2012, at 4:53 PM, "OKeefe, Michael (CPI)" <Michael.OKeefe@MassMail.State.MA.US> wrote:

> Good!

>

> Sent from my iPhone

>

> On Oct 4, 2012, at 4:45 PM, "Blodgett, Jonathan (EAS)" <Jonathan.Blodgett@MassMail.State.MA.US> wrote:

>

>> I have avoided the press in its entirety to this point. I did speak to Ellement today for the first time & described what resources I believe I would need in terms of personnel & a ballpark monetary figure going forward. I did this because he did not understand that this was more than a one fiscal year request & he claims he had spoken to many defense attorneys who tell him we already have all the resources we need to handle this unprecedented fiasco. I wanted to set the record straight given he is writing the story for tomorrow.

>>

>> Sent from my iPhone

>>

>> On Oct 4, 2012, at 16:35, "DA Michael OKeefe" <damichael.okeefe@gmail.com> wrote:

>>

>>> Yesterday John Ellement spoke to me . He is writing a story about the cost of fixing the problem . He wanted hard number from us . I said that it would cost multiple millions of dollars but that we were putting the figures together with deliberation and would present it next week . I know he will call around to try and get a number from us .

>>> I see no problem with describing the scope of the problem and that it will be costly but let's maintain our discipline so that we present the number to the Governor first.

>>> He also asked if I would write an op Ed piece re the larger ideation of inadequate funding for forensic science generally and the problems that can cause. Off the record I told John I would be happy to do this at later point. For now we are concentrating on fixing this problem and getting the resources to do it. Discipline. Lets get the money first!

>>>

>>> Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 10:37:53 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Subject:** Re: JP Lab MDAO Internal Communication  
**Sensitivity:** Normal

---

Call me

---

**From:** Walker, Jodi (NOR)  
**Sent:** Thursday, October 04, 2012 03:26 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP Lab MDAO Internal Communication

No problem. I will clean up and send it to you.

Good to go on MY email to Senior?

BTW – we have at least 9 AD cases on next week. I will send you that list for FYI purposes.

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, October 04, 2012 3:25 PM  
**To:** Walker, Jodi (NOR)  
**Subject:** RE: JP Lab MDAO Internal Communication

can you clean it up and send to me. Gotta go, call in car if need be.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Walker, Jodi (NOR)  
**Sent:** Thursday, October 04, 2012 3:20 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP Lab MDAO Internal Communication

Looks good to me – I think there is an extra “BRD” in there?

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, October 04, 2012 3:13 PM  
**To:** Walker, Jodi (NOR); Ellis, Sarah (NOR)  
**Cc:** Ryan, Marian (NOR); Ramasci, Michelle (NOR); 'Jodi.Walker@state.ma.us'; Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** RE: JP Lab MDAO Internal Communication

see below



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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---

**From:** Walker, Jodi (NOR)  
**Sent:** Thursday, October 04, 2012 3:11 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR)  
**Cc:** Ryan, Marian (NOR); Ramasci, Michelle (NOR); 'Jodi.Walker@state.ma.us'; Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** RE: JP Lab MDAO Internal Communication

My revised draft GTL tag-along, in red, in light of comments today to SWE. Marian and I can distribute the specific language in #3 later, if you don't want it in here. You may need to temper my specific language in paragraph 3. ☺

\*\*\*\*\*

I want to thank all of our staff, especially our ADAs, for their assistance and responsiveness to

Marian and Jodi on all issues involving Annie Dookhan and the JP Lab -- a problem, not of our making, that continues to lack full clarity in its nature, scope, and extent.

As we continue to address -- as quickly and thoughtfully as possible -- the very fluid legal, factual, and equitable issues involving this former chemist and lab, I want to stress the importance of three things:

1. We must request that appropriate motions are filed by defense attorneys in these cases, consistent with the rules of criminal procedure. We should object when this does not happen.
2. We must request that all parties are given the opportunity to respond, in a prepared way, and to be heard on the issues, before any decisions are made by the court. We should object when this does not happen.
3. We must make sure that the record is clear, and reflects our efforts to ensure that justice is being done for the defendants as well as for the people we protect in Middlesex County. We need state our positions and the reasons for our positions orally, and when time allows, in writing. [Marian and Jodi will be giving further specific guidance on this. ] [Specifically, the record needs to reflect that "Any impact to our cases involving Annie Dookhan and/or the JP Lab – whether that be to bail, custody status, the ability to maintain a conviction, a new trial, the loss of evidence, or some other aspect of the case – is due directly and solely to the failures at the DPH JP Lab, and those failures compromising impact on the MDAO's ability to prosecute its cases while satisfying the required Burden of Proof and Persuasion, BRD, relying on evidence that is free from taint and that satisfies the burden of proof.]

Please feel free to follow up with Marian and Jodi if you have any questions.

Thank you.

JW to send the below email first (NOT yet sent) to all SENIOR LEADERSHIP.

---

Good afternoon – I am writing to follow-up to the below 2 emails from Marian, dated 9/4/2012 and 9/26/12, regarding the DPH JP Lab and its former chemist Annie Khan Dookhan. As many of you know, the JP Lab was closed by the Mass SP on August, 30, 2012, and its former chemist, Annie Dookhan, was arraigned last Friday on criminal charges related to her conduct in connection with the JP Lab's closure, including criminal charges of obstructing justice and falsifying her CV. The AGO reports that it is continuing to investigate Ms. Dookhan's conduct and the DPH JP Lab.

With that background, first and foremost, many thanks to you all for being in touch with Marian and I regarding your cases involving Ms. Dookhan. As we continue to try and sort through this very fluid situation, we will need to continue to rely on your help and communication with us. With that in mind,



we provide the following information and additional directions below. Please do not hesitate to call or email us with questions or issues.

### **Inventory of MDAO Cases:**

1. **Pending Dookhan cases:** Please continue to review your pending cases (pre-conviction and pending appeals) for any matters that may involve Ms. Dookhan, whether she served as the primary chemist, secondary chemist, and/or notary on the drug certification (N.B. You will need to actually look at the drug certification to determine if she signed as the notary). Please forward information as to a pending case involving Annie Dookhan in any of these roles to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none with Ms. Dookhan as a potential witness, also no later than October 15, 2012.

2. **Pending JP Lab cases:** With your help, we would like to broaden our case inventory to any pending MDAO cases (pre-conviction and pending appeals) where the evidence in the case was tested by any chemist, not just Ms. Dookhan, at the Hinton / JP Lab from 2003 - August 2012. Please bear in mind that MDAO formally stopped sending its evidence to this laboratory in 2009. We believe, however, anecdotally, that evidence in a few MDAO cases may have been tested at this lab after 2009. Please forward information as to a pending case involving the JP Lab to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none involving evidence tested at the JP Lab, also no later than October 15, 2012.

3. **Disposed Dookhan cases:** With your help, we would also like to broaden our case inventory – and tap your historical knowledge – with regard to disposed MDAO cases. If you are aware of and/or have prosecuted a disposed case where Ms. Dookhan was a potential or actual witness for the Commonwealth, either in her role as a primary or secondary chemist or in some other capacity in the case, for example, as a notary on the drug certification, please forward the case information, including the defendant's name, docket number, court, disposition date, disposition and/or sentence, if any, to Marian and me as well as Courtney Stanton via email, no later than October 15, 2012. For your information, Ms. Dookhan worked at the JP Lab from 2003-2012.

4. **Any other cases involving Ms. Dookhan and/or JP Lab Issues:** If there are any other cases that you are aware of – or come to be aware of – that involve these issues, but don't necessarily fall into any of the above-three categories, please let us know as well, no later than October 15, 2012, or whenever they are brought to your attention by an attorney and/or the Court.

### **“Working Room”:**

As many of you may know, Governor Patrick has established a “working room” to help all the District

Attorneys' Offices mine through data to identify, with specific and useful information, any cases involving Ms. Dookhan. The DAOs, including MDAO, have received some general data regarding samples Ms. Dookhan processed. Last week, the DAOs received additional case identifying information that we are reviewing and which may help us identify defendants in custody on cases in which Ms. Dookhan was and/or is a potential witness. The details of the "Working Room," are still very fluid and being discussed, but Governor Patrick has identified former prosecutor David Meier to head up the project. We are optimistic that once established and running, the Working Room can provide us with a more complete and useable data, but for the time being, we will be highly dependent on your historical memory and case searches, especially as they relate to JP Lab cases that do not involve Ms. Dookhan, as to date we have received very little data for this category of prosecutions. We do have other ideas to help us identify these cases, and suspect that many of you may as well. Please feel free to reach out to Marian and/or me if you have an idea to help retrieve data.

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Preliminary discussions have begun to identify sessions in Middlesex Superior Court – likely Woburn – and Middlesex District Court – likely Cambridge District Court – dedicated to prosecuting and sorting through cases and issues involving Ms. Dookhan and/or the JP Lab. Things appear to be moving quickly towards these sessions. We promise to keep you posted on this front, but if / until all these cases wind up in the same sessions, it remains critically important to be proceeding uniformly and with Marian and/or me, so please continue to reach out to us via email to both of us, copying Courtney Stanton, about cases as you become aware of them.

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1. Thank you again to all the supervisors and ADAs that have been in touch with Marian and me about cases involving Ms. Dookhan and/or the JP Lab. Please continue to be in touch, whenever possible, with us prior to appearing on any case where issues involving Ms. Dookhan and/or the JP Lab have been raised by the Commonwealth, court, and/or defendant. The best way to be in touch with us is via email – with both Marian and I on the "To line," copying Courtney Stanton. If you don't have time to email, please feel free to call us on our cell phones, but make sure to follow up with an email when you are able.

As you likely know, the situation and information we have is very fluid, and we are still waiting on outside agencies to provide us with additional and more definitive information relative to the nature, scope, and extent of the problem. That being said, based on what is known to date, Marian and I are trying hard to provide consistent and appropriate advice and guidance based on the information as it relates to the specific legal and factual circumstances of a case relative to issues like continuances, motions for new trials, motions to revise and revoke sentences, motions to stay execution of or vacate sentences, questions of bail, motions for discovery, etc.

2. We need to rely on your help in also following up with us as to the status / events after the case is in court. Again, the best way to be in touch with us is via email – with both Marian and I on the "To line," copying Courtney Stanton. Marian and I are receiving an enormous amount of emails and data on this

topic, which we need and appreciate, but which is growing every day as we identify additional cases. We would greatly appreciate your help in proactively keeping us apprised of events / court results afterward.

3. Please feel free to email or call Marian or myself at any time relative to these issues. Marian's cell phone is [REDACTED]. My cell phone is [REDACTED].

4. If you are communicating with Marian and I on a District Court matter, please also remember to copy Sarah Ellis on the email.

**Discovery:**

1. We have received documents relative to the AGO's criminal investigation into Ms. Dookhan for filing in discovery. For the time being, based on the information that we know to date, we will be filing this discovery in:

(a) any pending MDAO case where Ms. Dookhan may be a potential witness for the Commonwealth (primary, secondary, or notary) **AND**

(b) any pending MDAO case where the evidence in the case was processed at the JP Lab **AND**

(c) any disposed MDAO case that we are or become aware of in which Ms. Dookhan was a potential witness for the Commonwealth (primary, secondary, or notary).

If you have a case which does not fall into any of these categories, but you feel discovery concerning Ms. Dookhan and/or the JP Lab is appropriate in your case, please feel free to contact Marian and/or me to discuss the matter.

2. Right now, there are (2) notices to file, one from May 2012, which we have been filing based on information we learned in the Winter of 2012 regarding Ms. Dookhan, and another from 9/26/2012, which has an attachment in the form of a PDF file. Both notices and the PDF file, corresponding to the 9/26/12 notice, are attached to this email. Please email Marian and I, copying Courtney Stanton, with the case name in which you are making the filing(s), and the date of the filing(s). Sorry to be so detail oriented, but it is crucial for us to this data, to the extent that additional discovery filing must be made down the road.

Thank you very much in advance of helping us with this massive project.

We appreciate your help -

Jodi

---

From: Ryan, Marian (NOR)

Sent: Wednesday, September 26, 2012 3:19 PM

To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)  
Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet.

Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, September 05, 2012 1:39 PM  
To: NOR-DL-ALL MIDDLESEX ADA's  
Cc: Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)  
Subject: JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and

the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me [REDACTED] before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 10:38:03 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR)

**Bcc:** Leone, Gerard (NOR)

**Subject:** CONFIDENTIAL: Globe: DA's to seek \$10 million a year to resolve tainted drug cases

**Sensitivity:** Normal

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FYI.

It's one thing to ask for the \$, it's quite another to be so public about it.

Unless and until we felt that that our requests would be rejected, there was no reason to be so public - that may alienate those who will actually put it before the legislature and who will actually need to sign the checks.

There is only so much money, and there are several competing interests who will want to be heard, including AOTC, CPCS, MSP, etc.

We just need to get our documented and reasoned request to the Governor and key legislators as a heads up, asap - that document can always find its way public when it is necessary.



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Friday, October 05, 2012 9:03 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Globe: DA's to seek \$10 million a year to resolve tainted drug cases

Here's John Ellement story today:

**DA's to seek \$10 million a year to resolve tainted drug cases**

**By John R. Ellement, Boston Globe, October 05, 2012**

<http://bostonglobe.com/metro/2012/10/04/county-prosecutors-will-ask-state-for-million-year-deal-with-cost-chemist-drug-lab-scandal/QC7MHY7MHq6CSRq9NLdEFK/story.html>

- County district attorneys will ask the Patrick administration for about \$10 million a year so they can hire prosecutors, investigators, and support staff necessary to deal with the thousands of criminal cases that must be reviewed following the state drug lab scandal, according to several law enforcement officials who were briefed on the budget plans.
- Prosecutors and the defense bar agree that unraveling the scandal, linked to former chemist Annie Dookhan, in courthouses across the state will take years to complete, meaning that prosecutors alone may need upward of \$50 million if their work takes five years to finish, the officials said. It is the first detailed estimate of legal costs linked to the evidence tampering.
- "We certainly could be looking at a multiyear effect on the system," said Michael O'Keefe, district attorney for the Cape and Islands and vice president of the Massachusetts District Attorneys Association. "There will be costs to every office across the state in dealing with these cases."
- But the request by the MDAA, which is expected to be provided to the Patrick administration this week, represents just one part of the criminal justice system reeling from the unprecedented scandal at the closed Department of Public Health lab in Jamaica Plain.

- The Committee for Public Counsel Services, the state's public defender agency, is still working on its supplemental budget plan and has not yet reached a firm number, said Lisa Hewitt, the agency's general counsel.
- But, she said, her agency's needs will echo those of the state's county prosecutors. State Police have said former chemist Annie Dookhan handled 60,000 drug samples linked to 34,000 criminal cases, and Hewitt and others in the criminal justice community anticipate that most defendants will have had court-appointed attorneys through the state agency.
- "The scope of the problem is so undefined; it's so broad," said Hewitt. "But it likely will cost us millions of dollars. We will probably need multimillions of dollars."
- The Executive Office of Administration and Finance will consider the requests, which are due by Oct. 24, and formulate a supplemental budget request to submit to the state Legislature.
- Dookhan has pleaded not guilty to two counts of obstruction of justice and is free on \$10,000 cash bail. She has allegedly confessed that "for about two to three years" she tampered with evidence, violated lab protocol, and forged the signatures of her colleagues on drug evidence paperwork.
- Essex District Attorney Jonathan W. Blodgett estimates he will need a maximum of \$2 million to deal with his share of the Dookhan cases, which currently amounts to about 8,500 samples that have to be matched to defendants as a first step in analyzing the impact on prosecutions.
- He said his office now has to track down individual files from eight district courts and superior courts.
- He said the money would be used to hire nine prosecutors for appeals and to handle superior and district court cases, an IT person to manage the data collection and storage, five clerks to obtain court records, scanning machines to scan the documents into the computer system, and two administrative staff members to run the "war room."
- He also said his current office space in Salem is full and he will need more space for the new wave of Dookhan-focused employees.



**Archived:** Tuesday, March 12, 2019 10:38:08 AM  
**From:** Leone, Gerard (NOR)  
**To:** NOR-DL-ALL MIDDLESEX USERS  
**Subject:** JP Hinton State Lab  
**Sensitivity:** Normal

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I want to thank all of our staff, especially our ADAs, for their assistance and responsiveness to Marian and Jodi on all issues involving former Hinton State Lab Chemist Annie Dookhan and the JP Hinton State Lab -- a problem not of our making, but that is consuming much time and resources. The matter is still lacking in full clarity regarding its nature, scope, and extent, and we fully expect to receive additional information from the EOPSS and AGO that may guide our approach to these matters.

However, we need to keep dealing with the impact to us and the CJS in real time every day. I am confident that we will continue to contain and control the fallout to the best of our abilities, minimizing the negative impact to the citizens of Middlesex County.

**\*\*As we continue to address -- as quickly and thoughtfully as possible -- the very fluid legal, factual, and equitable issues involving this former chemist and the Lab, I want to stress the importance of three things:**

1. We must request that appropriate motions are filed with the Court by defense attorneys in these cases, consistent with the MA Rules of Criminal Procedure. These motions will properly frame the issues for decision making by the Court and the MDAO, and create the proper record. We should object when this does not happen.
2. We must request that all parties are given the opportunity to respond and be heard, in a prepared way, and to be heard on the issues, before any decisions are made by the court. I expect that our model for handling these matters will allow for minimal time lapse in MDAO decision making. We should object when this does not happen, as this approach will maintain a proper record.
3. We must make sure that the record is clear, and reflects our efforts to ensure that justice is being done for the defendants as well as for the people we serve and protect in Middlesex County. We need to state our positions and the reasons for our positions orally, and when time allows, in writing, clearly. The public deserves a clear memorialized and documented public accounting of these matters.

**\*\*Any impact to our MDAO cases involving former Chemist Annie Dookhan and/or the JP Hinton State Lab [bail status, custody status, the ability to maintain a conviction, a new trial, the loss of evidence, or some other aspect of the case] is due to the documented shortcomings and failures at the DPH JP Lab and those responsible for the supervision and management of that Lab. The resulting impact of those shortcomings is compromise to the MDAO's ability to prosecute its cases, relying on evidence that is free from taint and that satisfies the required burdens of proof and persuasion, beyond a reasonable doubt.\*\* This information needs to be part of each and every record in every one of these matters.**

Marian and Jodi will continue to be our MDAO Points of Contact for these matters.

As the Special Court Sessions that are presently being created to handle these matters are implemented, we will rely on our normal District Court and Superior Court chains of command in decision making regarding the affected cases. Sarah (District Courts), and Mike and Pam (Superior Court) will be in contact with you about that aspect of our approach. As always, we will be helped and guided by our Appeals and Training Bureau, led by Jim and Bethany.

Please feel free to follow up with Marian and Jodi if you have any questions.

Thank you.  
Gerry

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:38:26 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Cc:** Leone, Gerard (NOR)

**Subject:** JP LAB Sessions RE: Boston.com: DA Conley criticizes court for holding disorganized session in Dookhan case

**Sensitivity:** Normal

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bad start, let's do all we can to avoid a repeat of this in MDAO.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Friday, October 05, 2012 12:18 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Boston.com: DA Conley criticizes court for holding disorganized session in Dookhan case

**DA Conley criticizes court for holding disorganized session in Dookhan case**

**By Brian Ballou, John R. Ellement and Martin Finucane, Boston Globe, October 5, 2012**

<http://www.boston.com/metrodesk/2012/10/05/conley-criticizes-court-for-holding-disorganized-session-dookhan-case/evK23PRzfrspV2E49yCHTM/story.html>

- Suffolk District Attorney Daniel F. Conley is criticizing court officials for what he says are disorganized hearings this morning in Boston Municipal Court intended to consider cases where drug evidence was potentially tainted by mishandling by former state chemist Annie Dookhan.
- Conley criticized the court for putting together a list of cases for the special session "without any input from the DA's office."
- "This is not a good day, particularly for this court," he said, noting that not all of the 19 cases being called were actually cases where Dookhan played a role. "All of these not related to Dookhan, the court should be embarrassed," he said.
- The Globe reported this morning that district attorneys will ask the state for about \$10 million a year so they can hire, prosecutors, investigators, and support staff necessary to deal with the thousands of criminal cases that must be reviewed following the state drug lab scandal that has erupted because of alleged mishandling of evidence by Dookhan.
- Conley said it would have saved time and money if the court had coordinated with his office before setting up today's hearings. The court said 19 Dookhan-related cases would be called. Only five were; the defendants were slated for further hearings.
- Meanwhile, in Suffolk Superior Court today, Judge Carol Ball dismissed drug charges against Joseph Banks because Annie Dookhan allegedly doctored samples in his case.
- Banks showed no obvious emotion when Suffolk Assistant District Attorney Nicole Cordiero said prosecutors were ending the prosecution.
- Banks is serving a state prison sentence in an unrelated case in Middlesex County.
- Defense attorney Victoria Kelleher asked the judge to preserve the evidence in the case because, she alleged, a police officer committed perjury before the grand jury that indicted Banks.
- Ball said she had no authority to issue an order in a case that has been dismissed. She told Kelleher that she should consider

filing a civil lawsuit.

**Archived:** Tuesday, March 12, 2019 10:38:52 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** RE: AD Case T0day  
**Sensitivity:** Normal

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the world of shorthand and acronyms!



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Friday, October 05, 2012 11:30 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: AD Case T0day

Thanks----

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 05, 2012 11:27 AM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: AD Case T0day

Sorry, "short term" :)

LT = long term  
:)



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Friday, October 05, 2012 11:27 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** Re: AD Case T0day

Jodi and I are confused re ST-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 05, 2012 11:01 AM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: AD Case T0day

ok.

Ask bail, assent to MNT, cue up for ST decision on whether to proceed, and inform ICE if that is appropriate.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Friday, October 05, 2012 10:56 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: AD Case T0day

I agree-the only time to do that might be to craft our written response that we will use in these case-so short time-

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 05, 2012 10:55 AM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: AD Case T0day

If that is the status regarding the case, and we have determined that we can't try it, then we have to ask why we would ask for more time.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, October 05, 2012 10:49 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: AD Case T0day

Sorry- I agree that we should ask for bail and ICE  
We have the file and it is straightforward, although we can ask for time, not sure what else we would learn-

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 05, 2012 10:45 AM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: AD Case T0day

i don't understand your answer to my questions.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, October 05, 2012 10:43 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)

**Subject:** RE: AD Case T0day

Yes-

Very straightforward and we have file, so don't think time would change-

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 05, 2012 10:42 AM  
**To:** Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: AD Case T0day

In light of the issues you highlight, ask for bail and inform ICE, no?

Do we need more time to determine whether we can we prove our case despite the Dookhan taint?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, October 05, 2012 10:35 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** AD Case T0day

Gerry-we have a case on for this afternoon where we may reach the question of bail.  
In 10/10 the D pled to Trafficking Cocaine > 28 grams and Sz. He received a 5-5 and a day, with 2 years in the HOC from and after.

After a controlled buy from D by a CI, the D was arrested by CPD during an arranged buy of an ounce.

**AD is the primary chemist.**

D was held w/o bail awaiting trial b/c he defaulted at first PC date and forfeited \$5K

D has filed the appropriate motions.

D is a drug dealer – three prior sets of drug convictions in District Court-CWOF, probation and 150 days of HOC time-only other record is possession of forged RMV docs

Bill Keefe represents D

D may have immigration issues-

Given D's prior forfeit, I think that we would be warranted, subject to your approval, to asking for \$10K if Court entertains ? of bail.



Judge may be inclined to release given AD role.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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**Archived:** Tuesday, March 12, 2019 10:38:59 AM

**From:** Leone, Gerard (NOR)

**To:** Ellis, Sarah (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'

**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Fw: District Court Transmittal concerning the scheduling of hearings regarding the Hinton Lab

**Sensitivity:** Normal

**Attachments:**

[District Court Transmittal for Special Session JP Lab Courts\[1\].wpd;](#)

---

---

**From:** Maguire, Tara (DAA)

**Sent:** Friday, October 05, 2012 06:40 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** FW: District Court Transmittal concerning the scheduling of hearings regarding the Hinton Lab

---

**From:** Kathleen M McKeon [mailto:kathleen.mckeon@jud.state.ma.us]

**Sent:** Friday, October 05, 2012 12:15 PM

**To:** Lhewitt@publiccounsel.net; Mhealy@massbar.org

**Cc:** Maguire, Tara (DAA); Ellen S Shapiro

**Subject:** District Court Transmittal concerning the scheduling of hearings regarding the Hinton Lab

---

On behalf of Ellen S. Shapiro, Director of Court Operations and General Counsel of the Administrative Office of the District Court, attached is a Transmittal on the subject of the Jamaica Plain lab cases that we have now distributed to our courts.

The District Court would request your assistance in providing notification to all CPCS, Bar Advocate and private counsel that any Motions filed in the District Court should be filed in the originating courts with a copy to the special session JP lab court and be clearly and boldly marked in the upper right hand corner and on the envelope as "JP lab cases." If a defendant is currently incarcerated, and a writ of habeas corpus is being requested that should also be noted on the upper right hand corner, along with the name of the institution.

Thank you for your assistance.

Kathleen McKeon, Clerk-Magistrate  
AODC Special Assistant

**Archived:** Tuesday, March 12, 2019 10:39:01 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Stanton, Courtney (NOR)  
**Subject:** RE: Drug cases  
**Sensitivity:** Normal

---

Good, thanks

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Friday, October 05, 2012 2:35 PM  
To: Walker, Jodi (NOR)  
Cc: Leone, Gerard (NOR); Stanton, Courtney (NOR)  
Subject: Re: Drug cases

Kottmeyer just heard this case-and promptly sent it to Hogan's session-with no action-

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, October 04, 2012 07:47 PM  
To: Mehta, Tejal (NOR)  
Cc: Ryan, Marian (NOR); Krysil, Cara (NOR); Stanton, Courtney (NOR)  
Subject: Re: Drug cases

Ok - we will call u later or in am.

I'll find and forward Hallie's email. Marian is absolutely right. Thanks again for handling this, Tejal.

Sent from my iPhone

On Oct 4, 2012, at 7:43 PM, "Mehta, Tejal (NOR)" <Tejal.Mehta@MassMail.State.MA.US> wrote:

> My cell is [REDACTED]. I don't have anything from Hallie. Marian did mention that we wouldn't reach bail unless DC filed a mtn to vacate or mtn for new trial, but it looks like he did that in this case.

>

> Name is [REDACTED]. I don't have DOB. I was hoping to call court for it sometime in the a.m. However, I have a CAU SAIN in Lowell tomorrow morning, so it would be great if someone could help. I emailed Owen on Tues for file, and emailed him a reminder tonight - hopefully it's in the office.

>

> From: Walker, Jodi (NOR)

> Sent: Thursday, October 04, 2012 7:35 PM  
> To: Mehta, Tejal (NOR)  
> Cc: Ryan, Marian (NOR); Krysil, Cara (NOR); Stanton, Courtney (NOR)  
> Subject: Re: Drug cases  
>  
> Thanks Tejal. I know Marian has a commitment for some time tonight. In sure she will call u later or in the AM.  
> What is your cell?  
>  
> Also, I do not believe that 2 days notice is sufficient time for us to respond to these motions in an intelligent way. We do not even have our file nor have we confirmed AD's role in this case. Do you have Hallie's way laying out how a motion to stay is not the appropriate vehicle to free a defendant from custody? I'll defer to Marian but I'm pretty sure we are on / will be on the same page here. We need to be ready to reach bail but the court should not get there tomorrow except over our objection.  
>  
> What's the full name and DOB? We can help there.  
>  
> Sent from my iPhone  
>  
> On Oct 4, 2012, at 7:18 PM, "Mehta, Tejal (NOR)" <Tejal.Mehta@MassMail.State.MA.US> wrote:  
>  
>> I just got some more info from DC Bill Keefe. I'm not sure we'll have the file for tmrw, but I'll try to get someone to run D's record in the a.m.  
>>  
>> According to DC:  
>>  
>> Filings: He already filed a motion to stay the execution and a motion to vacate/new trial.  
>>  
>> What DC will request: stay of execution and release on personal. I asked whether D might agree to anything other than personal, and he said maybe \$2500 but needs to discuss with D. Said D probably wouldn't agree to a bracelet.  
>>  
>> D's record/prior bail: He thinks D's record has some minor offenses, mv's and dismissals, with the only conviction being for distribution of cocaine in District Court. He received a HOC sentence.  
>> D was held w/o bail in this case b/c he committed this offense while the District Court case was pending, and Kottmyer was not pleased.  
>>  
>> This offense was trafficking in cocaine over 28 g (5 yr min man). He's not sure of the exact weight.  
>>  
>>  
>> \_\_\_\_\_  
>> From: Ryan, Marian (NOR)  
>> Sent: Thursday, October 04, 2012 5:55 PM  
>> To: Walker, Jodi (NOR); Mehta, Tejal (NOR)  
>> Cc: Krysil, Cara (NOR); Stanton, Courtney (NOR)  
>> Subject: Re: Drug cases  
>>  
>> Talked w her  
>>  
>> ----- Original Message -----  
>> From: Walker, Jodi (NOR)  
>> Sent: Thursday, October 04, 2012 05:53 PM  
>> To: Mehta, Tejal (NOR)  
>> Cc: Ryan, Marian (NOR); Krysil, Cara (NOR); Stanton, Courtney (NOR)  
>> Subject: Re: Drug cases  
>>  
>> What's ur cell Tejal?  
>>

>> Sent from my iPhone

>>

>> On Oct 4, 2012, at 5:29 PM, "Mehta, Tejal (NOR)" <Tejal.Mehta@MassMail.State.MA.US> wrote:

>>

>>> Hi - am I still handling this case tomorrow? Any instructions?

>>>

>>> From: Mehta, Tejal (NOR)

>>> Sent: Tuesday, October 02, 2012 1:58 PM

>>> To: Ryan, Marian (NOR); Walker, Jodi (NOR)

>>> Cc: Krysil, Cara (NOR); Stanton, Courtney (NOR)

>>> Subject: RE: Drug cases

>>>

>>> Hi Marian,

>>>

>>> 1-2) I've received the motion (will fax to Courtney today), and have requested the file from Owen. Just fyi, looks to be a Cambridge Region case. Jim Mulcahy was the listed ADA.

>>>

>>> 3) Charges: Trafficking in Cocaine; SZ

>>> Sentence: Count 1, 5 yr SP; Count 2, 2 yr HOC f/a Count 1 Date

>>> sentence imposed: 10/14/10

>>>

>>> 4) AD's role: Para 3 of D's mtn says AD was a chemist that tested

>>> the drugs (not clear whether she did the initial analysis, or

>>> whether she was the confirmatory chemist)

>>>

>>> 5. D's record: this will be in the file

>>>

>>> 6. Pretrial Bail Status: Held w/o bail (see docket sheet attached

>>> to mtn)

>>>

>>> 7. Viability of the case w/o AD: I don't know. Perhaps Cambridge Region has Jim's SOC's on the system, so we can find out the facts before we get our file?

>>>

>>>

>>>

>>>

>>> From: Ryan, Marian (NOR)

>>> Sent: Saturday, September 29, 2012 7:56 AM

>>> To: Walker, Jodi (NOR); Mehta, Tejal (NOR)

>>> Cc: Krysil, Cara (NOR); Stanton, Courtney (NOR)

>>> Subject: RE: Drug cases

>>>

>>> Tejal-The Bill Keefe case, [REDACTED] is on for Friday. Would you please be in touch with Danny Doherty and do the following:

>>> 1) get the motion

>>> 2) give us a copy

>>> 3) give us the charges, sentence and when imposed

>>> 4) AD's role in the case if any

>>> 5) D's record

>>> 6) D's pretrial bail status

>>> 7) Any information that you have re the viability of the case without AD

>>> We can then review and give you direction for Friday.

>>> Thank you

>>>

>>> Marian Ryan

>>> General Counsel

>>> Middlesex District Attorney's Office

>>> 15 Commonwealth Avenue, Woburn, MA 01801

>>> Phone: [REDACTED]

>>> Fax: [REDACTED]

>>>

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>>>

>>>

>>>

>>> From: Walker, Jodi (NOR)

>>> Sent: Friday, September 28, 2012 10:38 AM

>>> To: Mehta, Tejal (NOR)

>>> Cc: Krysil, Cara (NOR); Ryan, Marian (NOR); Stanton, Courtney (NOR)

>>> Subject: Re: Drug cases

>>>

>>> Tejal - we are preparing an internal communication re directions. If you know the case info, can u please email Marian and Courtney and I the Ds names, docket number, role of Annie dookhan in the case. We are meeting next week with Court re potential JP lab/Dookhan session. Can u call Dave back and get info on third case and see what he wants? Everybody is trying to get and stay coordinated on this. Thanks for your help!

>>>

>>> Sent from my iPhone

>>>

>>> On Sep 28, 2012, at 9:57 AM, "Mehta, Tejal (DAA)"

<tejal.mehta@massmail.state.ma.us<mailto:tejal.mehta@massmail.state.ma.us>> wrote:

>>> Hi, I got vms yesterday from Dave Barry and DC Bill Keefe, concerning 2 past-resolved drug cases where DC has filed (and is anticipating filing) stays of execution. At least 2 are Annie Dookhan cases. I/Sean Griffith handled two of them. I don't know who handled the third one.

>>>

>>> I haven't called back yet - what should I do at this point? I imagine the office is handling these in a streamlined way.

>>>

>>> Thanks,

>>> Tejal

**Archived:** Tuesday, March 12, 2019 10:39:03 AM  
**From:** Leone, Gerard (NOR)  
**To:** Capeless, David (BER); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Hinton State Laboratory Cost Estimates  
**Sensitivity:** Normal

---

I guess this is the attempt to apply management principles after the fact to the budgetary side of what is a ramification of their management failure which caused the problem to begin with.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Capeless, David (BER)  
**Sent:** Friday, October 05, 2012 1:10 PM  
**To:** Leone, Gerard (NOR); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Hinton State Laboratory Cost Estimates

Put another way, the people who created this mess intend to micro-manage our efforts to solve the problem.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 05, 2012 1:01 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Hinton State Laboratory Cost Estimates

thank you Tara.  
The color highlighted, and bolded portions, that correspond to the memo below, are mine.  
Three Important Issues:

- 1) They are seemingly telling us this is a **"one shot deal"**.
- 2) They seemingly are asking us to document supporting metrics and records, **before and after the request**, to support and justify our request.
- 3) they are acknowledging the need for, and their willingness to supply **reimbursement** for present real time and past budgetary and resource expenditures:

As long as all is documented as being tied to the JP Lab failures.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Maguire, Tara (DAA)  
**Sent:** Friday, October 05, 2012 12:51 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: Hinton State Laboratory Cost Estimates  
**Importance:** High

Below please find the memo from Secretary Gonzalez.

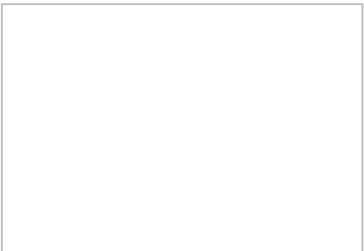
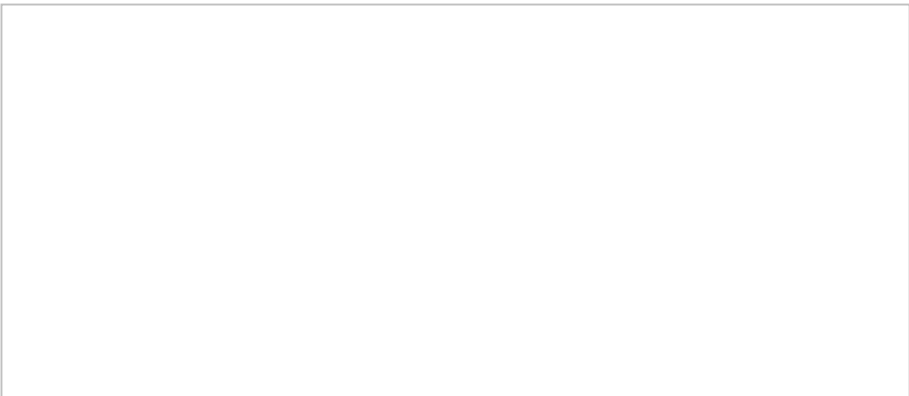
---

**From:** Esmond, Michael (ANF)  
**Sent:** Friday, October 05, 2012 12:05 PM  
**To:** Maguire, Tara (DAA)  
**Subject:** FW: Hinton State Laboratory Cost Estimates

Tara  
Here is the memo we discussed. Please call me with any questions.  
Thanks  
M

Mike Esmond  
Budget Director  
Executive Office for Administration and Finance  
272 State House  
[michael.esmond@state.ma.us](mailto:michael.esmond@state.ma.us)  


*“The Executive Office for Administration and Finance plans and executes fiscal and administrative policies that serve to ensure the financial stability, efficiency and effectiveness of state government.”*





to: District Attorneys  
Attorney General Martha Coakley  
Chief Justice Robert Mulligan  
Court Administrator Harry Spence  
Chief Counsel Anthony Benedetti  
Secretary Mary Beth Heffernan  
Secretary Judy Ann Bigby  
Special Counsel David Meier



From: Secretary Jay Gonzalez

Date: September 27, 2012

Re: **Hinton State Laboratory Cost Estimates**

---

As part of Governor Patrick's commitment to work with and support all affected parties to promptly identify and address the impacts of the breach at the Hinton State Laboratory, we need your help in developing an initial assessment of the nature and amount of costs that your agency may incur in connection with this effort. While we understand that the scope of work and related costs cannot be estimated with precision at this time, please provide me with the following information by not later than October 24, 2012 in order for us to develop a preliminary understanding of your potential funding needs:

- 1) A description of the scope, nature and timing of the anticipated work required of your agency in connection with this effort;
- 2) A description of your plan to perform this additional work, including the information, methodology, and analysis that support this resource plan; and
- 3) An estimate of costs necessary to perform this additional work, together with the anticipated times at which such costs will be incurred and all underlying assumptions and calculations used in developing such cost estimates.

**Because this effort is one-time in nature**, I expect the funding and budgeting of the costs associated with it to be handled accordingly by the Administration and Legislature. **In order to ensure that any costs you incur in connection with this effort are eligible for funding, please make sure to properly record and account for any such costs in a manner that clearly identifies them as related to the drug lab breach and retain all records necessary to support such designations.** In the event that your agency has begun or will begin incurring unexpected and previously non-budgeted costs prior to the availability of any supplemental appropriation, please contact your fiscal analyst in my office for help in ensuring that temporary funding is made available from existing appropriations in anticipation of future **reimbursement**. A&F budget staff will also reach out to your budget staff following issuance of this memorandum to provide additional guidance.

Thank you in advance for your collaboration and cooperation in addressing this important matter.

**Archived:** Tuesday, March 12, 2019 10:39:09 AM

**From:** Leone, Gerard (NOR)

**To:** Morrissey, Michael (NFK); Maguire, Tara (DAA); Capeless, David (BER); DAA-DL-DA&EXEC.ASST

**Subject:** Re: Hinton State Laboratory Cost Estimates

**Sensitivity:** Normal

---

Agreed

---

**From:** Morrissey, Michael (NFK)

**Sent:** Friday, October 05, 2012 08:40 PM

**To:** Maguire, Tara (DAA); Capeless, David (BER); Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST

**Subject:** RE: Hinton State Laboratory Cost Estimates

I don't like that characterization of 1 time. We must make sure they know this is a recurring cost into the future

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>

**To:** "Capeless, David (BER)" <David.F.Capeless@MassMail.State.MA.US>, "Maguire, Tara (DAA)"

<TMaguire@MassMail.State.MA.US>, "DAA-DL-DA&EXEC.ASST" <DAA-DL-DA&EXEC.ASST@MassMail.State.MA.US>

**Sent:** Fri, Oct 5, 2012 13:29:24 EDT

**Subject:** RE: Hinton State Laboratory Cost Estimates

I guess this is the attempt to apply management principles after the fact to the budgetary side of what is a ramification of their management failure which caused the problem to begin with.



Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Capeless, David (BER)

**Sent:** Friday, October 05, 2012 1:10 PM

**To:** Leone, Gerard (NOR); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Subject:** RE: Hinton State Laboratory Cost Estimates

Put another way, the people who created this mess intend to micro-manage our efforts to solve the problem.

---

**From:** Leone, Gerard (NOR)

**Sent:** Friday, October 05, 2012 1:01 PM

**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Subject:** RE: Hinton State Laboratory Cost Estimates

thank you Tara.

The color highlighted, and bolded portions, that corrspond to the memo below, are mine.

Three Important Issues:

1) They are seemingly telling us this is a "one shot deal".

2) They seemingly are asking us to document supporting metrics and records, **before and after the request**, to support and justify our request.

3) they are acknowledging the need for, and their willingness to supply **reimbursement** for present real time and past budgetary and resource expenditures:

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Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Maguire, Tara (DAA)  
**Sent:** Friday, October 05, 2012 12:51 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: Hinton State Laboratory Cost Estimates  
**Importance:** High

Below please find the memo from Secretary Gonzalez.

---

**From:** Esmond, Michael (ANF)  
**Sent:** Friday, October 05, 2012 12:05 PM  
**To:** Maguire, Tara (DAA)  
**Subject:** FW: Hinton State Laboratory Cost Estimates

Tara  
Here is the memo we discussed. Please call me with any questions.  
Thanks  
M

Mike Esmond  
Budget Director  
Executive Office for Administration and Finance  
272 State House  
[michael.esmond@state.ma.us](mailto:michael.esmond@state.ma.us)  
[REDACTED]

*"The Executive Office for Administration and Finance plans and executes fiscal and administrative policies that serve to ensure the financial stability, efficiency and effectiveness of state government."*

to:

District Attorneys

Attorney General Martha Coakley

Chief Justice Robert Mulligan

Court Administrator Harry Spence

Chief Counsel Anthony Benedetti

Secretary Mary Beth Heffernan

Secretary Judy Ann Bigby

Special Counsel David Meier

From: Secretary Jay Gonzalez

Date: September 27, 2012

Re: **Hinton State Laboratory Cost Estimates**

As part of Governor Patrick's commitment to work with and support all affected parties to promptly identify and address the impacts of the breach at the Hinton State Laboratory, we need your help in developing an initial assessment of the nature and amount of costs that your agency may incur in connection with this effort. While we understand that the scope of work and related costs cannot be estimated with precision at this time, please provide me with the following information by not later than October 24, 2012 in order for us to develop a preliminary understanding of your potential funding needs:

- 1) A description of the scope, nature and timing of the anticipated work required of your agency in connection with this

effort;

- 2) A description of your plan to perform this additional work, including the information, methodology, and analysis that support this resource plan; and
- 3) An estimate of costs necessary to perform this additional work, together with the anticipated times at which such costs will be incurred and all underlying assumptions and calculations used in developing such cost estimates.

Because this effort is **one-time in nature**, I expect the funding and budgeting of the costs associated with it to be handled accordingly by the Administration and Legislature. In order to ensure that any costs you incur in connection with this effort are eligible for funding, please make sure to **properly record and account for any such costs in a manner that clearly identifies them as related to the drug lab breach**

**Archived:** Tuesday, March 12, 2019 10:39:19 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Re: Herald editorial, JP crime lab

**Sensitivity:** Normal

---

Agreed!

---

**From:** Guyotte, Stephanie (NOR)

**Sent:** Sunday, October 07, 2012 10:05 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Herald editorial, JP crime lab

## Bad guys gone with wind

By Boston Herald Editorial Staff, October 6, 2012

- As expected the drug lab scandal in this state is moving from embarrassing and befuddling to, frankly, terrifying.
- Marcus Pixley — an alleged drug-dealer with a long rap sheet including a past conviction for rape — is back in custody today, we're relieved to say, after failing to show up in court earlier this week. Pixley had been released after a judge lowered his bail amid concerns by his lawyer about possible tainted evidence in his case. The drugs that Pixley is charged with selling to an undercover cop in 2011 had been tested by now-fired chemist Annie Dookhan.
- Pixley had been held for 11 months on \$5,000 bail on the drug charges (he also faces a charge of being a habitual offender). But at the request of his lawyer, a judge last month lowered his bail to \$1,000 and he was sprung. He failed to show up for a pre-trial hearing this week but was arrested and back in court yesterday.
- Now, it goes almost without saying that if there is even a hint of evidence-tampering involving a defendant who is currently held behind bars that case deserves close scrutiny, and there may indeed be cause to revisit the conditions of pre-trial custody or even a convicted criminal's sentence. Justice must be served, even if some really bad guys are likely to get away with their crimes.
- And that is what is now beginning to happen as the trial court has been forced to set up special sessions just to handle the so-called "Dookhan defendants" — some 1,100 of them currently jailed. There will be an enormous investment of critical state resources — cops, prosecutors and judges in one really expensive do-over. Yesterday the confusion was on display in Boston Municipal Court during a special session held to consider 19 cases, some of which, Suffolk DA Dan Conley said, weren't actually connected to Dookhan.
- But as this process moves forward, Marcus Pixley and others like him ought to serve a reminder that, just as there should never be a rush to judgment of a defendant's guilt, there should be no rush to fling open the jailhouse doors, either.

**Archived:** Tuesday, March 12, 2019 10:40:45 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

**Cc:** 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR)

**Subject:** RE: Dookhan session

**Sensitivity:** Normal

---

yup

-----Original Message-----

From: Ryan, Marian (NOR)

Sent: Tuesday, October 09, 2012 9:50 PM

To: Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Cc: 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR)

Subject: Re: Dookhan session

Agreed-b/c #s and pace of sessions means that we won't have a lot of time - so have to go w prepared response-

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Tuesday, October 09, 2012 09:46 PM

To: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ellis, Sarah (NOR); Leone, Gerard (NOR)

Subject: RE: Dookhan session

We should have templates formulated that we can just "fill in the blanks".

Messaging on each template - uniform and consistent.

-----Original Message-----

From: Ryan, Marian (NOR)

Sent: Tuesday, October 09, 2012 8:54 PM

To: Pelgro, Michael (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR)

Cc: 'jodi.walker@state.ma.us'

Subject: Re: Dookhan session

True-

----- Original Message -----

From: Pelgro, Michael (NOR)

Sent: Tuesday, October 09, 2012 08:50 PM

To: Ryan, Marian (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR)

Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>

Subject: Re: Dookhan session

Thanks, Marian.

Motions filing deadline of 10-17 (next Wednesday) and then hearings start the following Monday. Not much time.

Michael J. Pelgro

First Assistant District Attorney

Middlesex District Attorney's Office

15 Commonwealth Ave., Woburn, MA 01801

(direct)

(cell)

----- Original Message -----

From: Ryan, Marian (NOR)

Sent: Tuesday, October 09, 2012 08:45 PM

To: Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>

Subject: Dookhan session

Clerk faxed over a schedule for this session -10/22, 23, 25 , 26 and 29 @ 9. All inmates have to file motions by 10/17. All to be by video except Billerica inmates. Commonwealth to respond to motions and requests for bail in writing.

If D has not filed motion, he is taken off the list- Left copies for each of you- Next step is to start going through files once retrieved to ascertain that they are AD cases and then we will make some recommendations re whether the case can survive and should be given a new date once the Court has dealt w the motions for new trial/bail.



**Archived:** Tuesday, March 12, 2019 10:40:49 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** RE: Hinton State Laboratory Cost Estimates  
**Sensitivity:** Normal

---

I've always felt that we need to control our own issues.  
Give us the \$ and data we'll deal with our problems that they caused.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, October 09, 2012 11:23 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Hinton State Laboratory Cost Estimates

This MDAA central collection idea-----

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, October 09, 2012 11:22 AM  
**To:** Ryan, Marian (NOR)  
**Subject:** RE: Hinton State Laboratory Cost Estimates

?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)  
**Sent:** Tuesday, October 09, 2012 11:20 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Hinton State Laboratory Cost Estimates

A lot of what she is suggesting is make work-we don't want to be putting our info there

---

**From:** Leone, Gerard (DAA) [mailto:[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)]  
**Sent:** Tuesday, October 09, 2012 11:16 AM  
**To:** Leone, Gerard (NOR); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Subject:** RE: Hinton State Laboratory Cost Estimates

Whether we should address these issues below in our Budget Proposal Submissions?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 05, 2012 1:01 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Hinton State Laboratory Cost Estimates

thank you Tara.

The color highlighted, and bolded portions, that corrspond to the memo below, are mine.

Three Important Issues:

- 1) They are seemingly telling us this is a **"one shot deal"**.
- 2) They seemingly are asking us to document supporting metrics and records, **before and after the request**, to support and justify our request.
- 3) they are acknowledging the need for, and their willingness to supply **reimbursement** for present real time and past budgetary and resource expenditures:

As long as all is documented as being tied to the JP Lab failures.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Maguire, Tara (DAA)  
**Sent:** Friday, October 05, 2012 12:51 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: Hinton State Laboratory Cost Estimates  
**Importance:** High

Below please find the memo from Secretary Gonzalez.

---

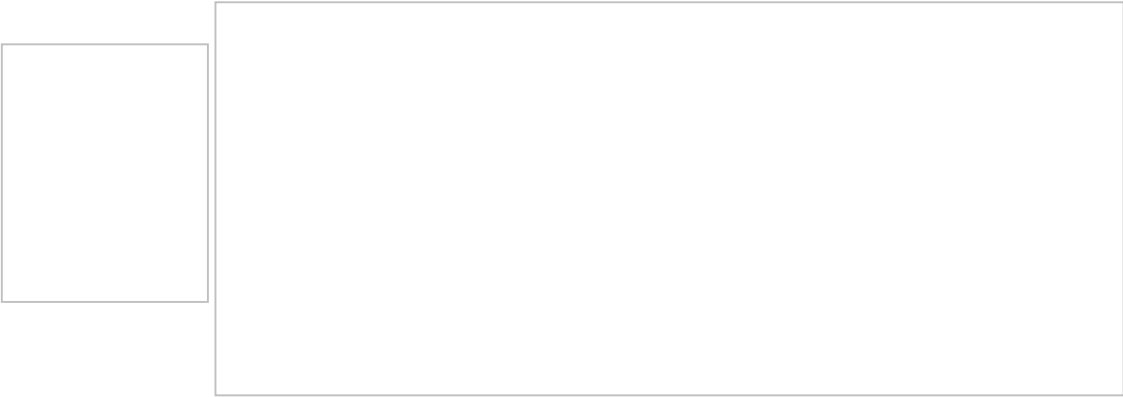
**From:** Esmond, Michael (ANF)  
**Sent:** Friday, October 05, 2012 12:05 PM

**To:** Maguire, Tara (DAA)  
**Subject:** FW: Hinton State Laboratory Cost Estimates

Tara  
Here is the memo we discussed. Please call me with any questions.  
Thanks  
M

Mike Esmond  
Budget Director  
Executive Office for Administration and Finance  
272 State House  
[michael.esmond@state.ma.us](mailto:michael.esmond@state.ma.us)  
[Redacted]

*“The Executive Office for Administration and Finance plans and executes fiscal and administrative policies that serve to ensure the financial stability, efficiency and effectiveness of state government.”*



to: District Attorneys  
Attorney General Martha Coakley  
Chief Justice Robert Mulligan  
Court Administrator Harry Spence  
Chief Counsel Anthony Benedetti  
Secretary Mary Beth Heffernan  
Secretary Judy Ann Bigby  
Special Counsel David Meier

From: Secretary Jay Gonzalez

[Redacted]

Date: September 27, 2012

Re: **Hinton State Laboratory Costs Estimates**

---

As part of Governor Patrick's commitment to work with and support all affected parties to promptly identify and address the impacts of the breach at the Hinton State Laboratory, we need your help in developing an initial assessment of the nature and amount of costs that your agency may incur in connection with this effort. While we understand that the scope of work and related costs cannot be estimated with precision at this time, please provide me with the following information by not later than October 24, 2012 in order for us to develop a preliminary understanding of your potential funding needs:

- 1) A description of the scope, nature and timing of the anticipated work required of your agency in connection with this effort;
- 2) A description of your plan to perform this additional work, including the information, methodology, and analysis that support this resource plan; and
- 3) An estimate of costs necessary to perform this additional work, together with the anticipated times at which such costs will be incurred and all underlying assumptions and calculations used in developing such cost estimates.

**Because this effort is one-time in nature**, I expect the funding and budgeting of the costs associated with it to be handled accordingly by the Administration and Legislature. **In order to ensure that any costs you incur in connection with this effort are eligible for funding, please make sure to properly record and account for any such costs in a manner that clearly identifies them as related to the drug lab breach and retain all records necessary to support such designations.** In the event that your agency has begun or will begin incurring unexpected and previously non-budgeted costs prior to the availability of any supplemental appropriation, please contact your fiscal analyst in my office for help in ensuring that temporary funding is made available from existing appropriations in anticipation of future **reimbursement**. A&F budget staff will also reach out to your budget staff following issuance of this memorandum to provide additional guidance.

Thank you in advance for your collaboration and cooperation in addressing this important matter.

**Archived:** Tuesday, March 12, 2019 10:40:55 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Bcc:** Leone, Gerard (NOR)  
**Subject:** JP Lab / Dookhan Cases - MDAO Internal Communication  
**Sensitivity:** Normal

---

I thought you sent this already!

If not, go ahead and update the email communication with developments, including the special sessions, and let's get it out.  
thanks.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Walker, Jodi (NOR)  
**Sent:** Tuesday, October 09, 2012 5:50 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Ryan, Marian (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** FW: JP Lab / Dookhan Cases; Update

I'd like to send the below email and its two attachments out to all ADA now, if ok with you. Some ADAs prosecuting the cases have not all received this email, which includes the second notice of discovery that needs to be filed.

---

**From:** Walker, Jodi (NOR)  
**Sent:** Friday, October 05, 2012 11:05 AM  
**To:** NOR-DL-SENIOR LEADERSHIP TEAM  
**Cc:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Stanton, Courtney (NOR)  
**Subject:** JP Lab / Dookhan Cases; Update

Good morning – I am writing to follow-up on Gerry's email this morning, as well as the below 2 emails from Marian, dated 9/4/2012 and 9/26/12, regarding the DPH JP Lab and its former chemist Annie Khan Dookhan.

As many of you know, the JP Lab was closed by the Mass SP on August, 30, 2012, and its former chemist, Annie Dookhan, was arraigned last Friday on criminal charges related to her conduct in connection with the JP Lab's closure, including criminal charges of obstructing justice and falsifying her CV. The AGO reports that it is continuing to investigate Ms. Dookhan's conduct and the DPH JP Lab.

With that background, first and foremost, many thanks to you all for being in touch with Marian and I regarding your cases involving Ms. Dookhan. As we continue to try and sort through this very fluid situation, we will need to continue to rely on your help and communication with us. With that in mind, we provide the following information and additional directions below. Please do not hesitate to call or email us with questions or issues.

### **Inventory of MDAO Cases:**

1. **Pending Dookhan cases:** Please continue to review your pending cases (pre-conviction and pending appeals) for any matters that may involve Ms. Dookhan, whether she served as the primary chemist, secondary chemist, and/or notary on the drug certification (Please note you will need to actually look at the drug certification to determine if she signed as the notary). Please forward information as to a pending case involving Annie Dookhan in any of these roles to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none with Ms. Dookhan as a potential witness, also no later than October 15, 2012.
2. **Pending JP Lab cases:** With your help, we would like to broaden our case inventory to any pending MDAO cases (pre-conviction and pending appeals) where the evidence in the case was tested by any chemist, not just Ms. Dookhan, at the Hinton / JP Lab from 2003 - August 2012. Please bear in mind that MDAO formally stopped sending its evidence to this laboratory in 2009. We believe, however, anecdotally, that evidence in a few MDAO cases may have been tested at this lab after 2009. Please forward information as to a pending case involving the JP Lab to Marian and me as well as Courtney Stanton via email of the case's existence, status, and next date, no later than October 15, 2012. If you do not have any cases in this category, please still email us by this date confirming that you have reviewed your cases and have none involving evidence tested at the JP Lab, also no later than October 15, 2012.
3. **Disposed Dookhan cases:** With your help, we would also like to broaden our case inventory – and tap your historical knowledge – with regard to disposed MDAO cases. If you are aware of and/or have prosecuted a disposed case where Ms. Dookhan was a potential or actual witness for the Commonwealth, either in her role as a primary or secondary chemist or in some other capacity in the case, for example, as a notary on the drug certification, please forward the case information, including the defendant's name, docket number, court, disposition date, disposition and/or sentence, if any, to Marian and me as well as Courtney Stanton via email, no later than October 15, 2012. For your information, Ms. Dookhan worked at the JP Lab from 2003-2012.
4. **Any other cases involving Ms. Dookhan and/or JP Lab Issues:** If there are any other cases that you are aware of – or come to be aware of – that involve these issues, but don't necessarily fall into any of the above-three categories, please let us know as well, no later than October 15, 2012, or whenever they are brought to your attention by an attorney and/or the Court.

### **“Working Room”:**

As many of you may know, Governor Patrick has established a “working room” to help all the District Attorneys’ Offices mine through data to identify, with specific and useful information, any cases involving Ms. Dookhan. The DAOs, including MDAO, have received some general data regarding samples Ms. Dookhan processed. Last week, the DAOs received additional case identifying information that we are reviewing and which may help us identify defendants in custody on cases in which Ms. Dookhan was and/or is a potential witness. The details of the “Working Room,” are still being discussed, but Governor Patrick has identified former prosecutor David Meier to head up the project. We are optimistic that once established and running, the Working Room can provide us with more complete and useable data, but for the time being, we will be highly dependent on your historical memory and case searches, especially as they relate to JP Lab cases that do not involve Ms. Dookhan, as to date we have received very little data for this category of prosecutions. We do have other ideas to help us identify these cases, and suspect that many of you may as well. Please feel free to reach out to Marian and/or me if you have an idea to help retrieve data.

### **“JP Lab / Ms. Dookhan Sessions”:**

Preliminary discussions have begun to identify sessions in Middlesex Superior Court – likely Woburn – and Middlesex District Court – likely Cambridge District Court – dedicated to prosecuting and sorting through cases and issues involving Ms. Dookhan and/or the JP Lab. Things appear to be moving quickly towards these sessions. We promise to keep you posted on this front, but if / until all these cases wind up in the same sessions, it remains critically important to be proceeding uniformly and with Marian and/or me, so please continue to reach out to us via email to both of us, copying Courtney Stanton, about cases as you become aware of them.

### **Communication with Marian and me on Cases / Issues re: Ms. Dookhan and JP Lab:**

1. Thank you again to all the supervisors and ADAs that have been in touch with Marian and me about cases involving Ms. Dookhan and/or the JP Lab. Please continue to be in touch, whenever possible, with us prior to appearing on any case where issues involving Ms. Dookhan and/or the JP Lab have been raised by the Commonwealth, court, and/or defendant. The best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. If you don’t have time to email, please feel free to call us on our cell phones, but make sure to follow up with an email when you are able.
2. We need to rely on your help in also following up with us as to the status / events after the case is in court. Again, the best way to be in touch with us is via email – with both Marian and I on the “To line,” copying Courtney Stanton. Marian and I are receiving an enormous amount of emails and data on this topic, which we need and appreciate, but which is growing every day as we identify additional cases. We would greatly appreciate your help in proactively keeping us apprised of events / court results afterward.
3. Please feel free to email or call Marian or myself at any time relative to these issues. Marian’s cell

phone is [REDACTED]. My cell phone is [REDACTED].

4. If you are communicating with Marian and I on a District Court matter, please also remember to copy Sarah Ellis on the email.

**Discovery:**

1. We have received documents relative to the AGO's criminal investigation into Ms. Dookhan for filing in discovery. For the time being, based on the information that we know to date, we will be filing this discovery in:

(a) any pending MDAO case where Ms. Dookhan may be a potential witness for the Commonwealth (primary, secondary, or notary) **AND**

(b) any pending MDAO case where the evidence in the case was processed at the JP Lab **AND**

(c) any disposed MDAO case that we are or become aware of in which Ms. Dookhan was a potential witness for the Commonwealth (primary, secondary, or notary).

If you have a case which does not fall into any of these categories, but you feel discovery concerning Ms. Dookhan and/or the JP Lab is appropriate in your case, please feel free to contact Marian and/or me to discuss the matter.

2. **Right now, there are (2) notices to file.** Both are attached to this email. Please file these two notices and their respective attachments in the above categories of cases.

(1) The first Notice is from 9/26/2012, distributed previously by Marian, below, and attached again here. This 9/26/2012 Notice has an attachment in the form of a PDF file. That PDF is also attached.

(2) The second Notice is from today, 10/5/2012. There is a PDF file of a single DPH Letter, also attached, corresponding to this second Notice.

Please email Marian and I, copying Courtney Stanton, with the case name in which you are making the filing(s), and the date of the filing(s). Sorry to be so detail oriented, but it is crucial for us to this data, to the extent that additional discovery filing must be made down the road.

Thank you very much in advance of helping us with this massive project.  
We appreciate your help –

Jodi

---



From: Ryan, Marian (NOR)

Sent: Wednesday, September 26, 2012 3:19 PM

To: Noble, Jessica (NOR); Rowan, Amanda (NOR); Solet, David (NOR); Kwon, Gina (NOR); Gilpatric, Stephen (NOR); Spiros, Carrie (NOR); Sullivan, Ryan (NOR); Evans, Anna (NOR); Santos, Corey (NOR); Minue, Christopher (NOR); Rubin, David (NOR); Tarrant, Christopher (NOR); Snook, Jennifer (NOR); Fuccione, Lisa (NOR); Williams, Megan (NOR); Noto, Kristen (NOR); Palmer, Lila (NOR); Levine, James (NOR); Posner, Joseph (NOR)

Cc: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

Subject: FW: Dookhan

Good Afternoon-in response to our efforts to identify the cases impacted by the JP lab issues, each of you has indicated that you have at least one case in which either a) Annie Dookhan is a prospective witness (primary or secondary chemist) or b) the drugs were analyzed by another chemist at the JP lab. Attached are a notice of discovery and a set of reports which we have received from the AG's Office. These reports have been generated as part of their ongoing investigation into the conduct of Annie Dookhan and the JP lab.

Please provide this discovery packet to defense counsel in either of the above category of cases as soon as possible. When you have filed the notice with the Court, please send me/Jodi a copy of that dated notice so that we may keep an accurate record of which defendants have been provided with this discovery.

If you have not already provided the first discovery packet to defense counsel in those cases (this is the packet sent by email on 5/31/12), please advise Jodi/me and we will provide you with that notice and packet.

Should you have any questions, please feel free to call us. My cell is [REDACTED] and Jodi's is [REDACTED].

Marian Ryan

General Counsel

Middlesex District Attorney's Office

15 Commonwealth Avenue, Woburn, MA 01801

Phone: [REDACTED]

Fax: [REDACTED]

---

From: Ryan, Marian (NOR)

Sent: Wednesday, September 05, 2012 1:39 PM

To: NOR-DL-ALL MIDDLESEX ADA's

Cc: Pastore, Jessica Venezia (NOR); Guyotte, Stephanie (NOR)

Subject: JP Lab/Dookhan Cases

As you may know from press reports over the past week, there is an ongoing investigation into the conduct of Annie Khan Dookhan, formerly a chemist at the William A. Hinton Laboratory in Jamaica Plain. This lab was formerly under the authority of the DPH, until the Governor recently ordered the MSP to take it over. The MA AGO is doing a pending investigation into these matters. We are

awaiting additional information from these other agencies regarding the scope/nature of this matter. This is a high priority matter for us and, although this situation is not of our doing, we, the public and the entire CJS have an obvious important stake in the results of the pending inquiries and investigations by these agencies. Therefore, the District Attorneys are actively engaged in trying to obtain all the information we can about these matters from these other agencies, and desire to be part of an expeditious remedy and solution.

Based on information which came to light during the winter, we have already been providing a discovery packet in cases in which we knew that Ms. Dookhan was the analyst. Our discovery approach may change upon the receipt of new and requested information.

Please immediately recheck all of your cases, and if you have a pending case/investigation in which Ms. Dookhan was the primary or secondary chemist, please email me by Friday, September 7, 2012, the charges, case status, D's bail situation, Rule 36 concerns, and the next date. We will likely be directing you to seek a continuance of 6-8 weeks while we await further information regarding the nature and scope of these matters. In appropriate circumstances, we may also be asking the Court to reconsider the defendant's terms of release, bail status, and/or possibly other measures.

We will likely be receiving new trial and other post-conviction motions in cases where the defendant was convicted and Ms. Dookhan was the analyst. Obviously, in addition to awaiting the additional information, we will need to locate and review files, consider the defendant's bail/custody/incarceration status, etc. so we will need to seek some time from the Court on these post-conviction matters as well. Please forward any such motion to me as soon as they are received. If such a motion should arise unexpectedly, necessitating a time sensitive response, please call me [REDACTED] before responding to the Court.

As you can understand, this is a fluid situation and we are trying to get accurate information and answers from the above referenced agencies as quickly as possible. To insure that we all have the same information and are communicating the same information to the Court, Jodi Walker and I will be the points of contact within the office and with the lab and other agencies. To that end, should you have any questions, suggestions about this matter, please give us a call.

Marian Ryan  
General Counsel  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]

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of this message by unintended recipients is not authorized and may be unlawful.

**Archived:** Tuesday, March 12, 2019 10:41:03 AM  
**From:** Ryan, Marian (NOR)  
**Sent:** Wed, 10 Oct 2012 06:54:21  
**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
**Cc:** 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR)  
**Subject:** Re: Dookhan session  
**Sensitivity:** Normal

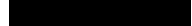
---

Will do-

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Wednesday, October 10, 2012 06:53 AM  
To: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ellis, Sarah (NOR); Leone, Gerard (NOR)  
Subject: Dookhan session

Please see the language that I included in my email to staff last week regarding the situation that compels decision making in these matters as a component of the template.  
Thanks

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Tuesday, October 09, 2012 9:50 PM  
To: Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR)  
Subject: Re: Dookhan session

Agreed-b/c #s and pace of sessions means that we won't have a lot of time - so have to go w prepared response-

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Tuesday, October 09, 2012 09:46 PM  
To: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ellis, Sarah (NOR); Leone, Gerard (NOR)  
Subject: RE: Dookhan session

We should have templates formulated that we can just "fill in the blanks".  
Messaging on each template - uniform and consistent.

-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Tuesday, October 09, 2012 8:54 PM  
To: Pelgro, Michael (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us'  
Subject: Re: Dookhan session

True-

----- Original Message -----

From: Pelgro, Michael (NOR)  
Sent: Tuesday, October 09, 2012 08:50 PM  
To: Ryan, Marian (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Re: Dookhan session

Thanks, Marian.

Motions filing deadline of 10-17 (next Wednesday) and then hearings start the following Monday. Not much time.

Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] (direct)  
[REDACTED] (cell)

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Tuesday, October 09, 2012 08:45 PM  
To: Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Dookhan session

Clerk faxed over a schedule for this session -10/22, 23, 25, 26 and 29 @ 9. All inmates have to file motions by 10/17. All to be by video except Billerica inmates. Commonwealth to respond to motions and requests for bail in writing.

If D has not filed motion, he is taken off the list- Left copies for each of you- Next step is to start going through files once retrieved to ascertain that they are AD cases and then we will make some recommendations re whether the case can survive and should be given a new date once the Court has dealt w the motions for new trial/bail.

**Archived:** Tuesday, March 12, 2019 10:41:05 AM

**From:** Walker, Jodi (NOR)

**Sent:** Wed, 10 Oct 2012 07:30:11

**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

**Cc:** Ellis, Sarah (NOR); Leone, Gerard (NOR)

**Subject:** RE: Dookhan session

**Sensitivity:** Normal

---

Yes, will do.

---

From: Leone, Gerard (DAA) [gerry.leone@massmail.state.ma.us]

Sent: Wednesday, October 10, 2012 6:53 AM

To: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Cc: Walker, Jodi (NOR); Ellis, Sarah (NOR); Leone, Gerard (NOR)

Subject: Dookhan session

Please see the language that I included in my email to staff last week regarding the situation that compels decision making in these matters as a component of the template.

Thanks

Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ryan, Marian (NOR)

Sent: Tuesday, October 09, 2012 9:50 PM

To: Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Cc: 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR)

Subject: Re: Dookhan session

Agreed-b/c #s and pace of sessions means that we won't have a lot of time - so have to go w prepared response-

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Tuesday, October 09, 2012 09:46 PM

To: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ellis, Sarah (NOR); Leone, Gerard (NOR)

Subject: RE: Dookhan session

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Messaging on each template - uniform and consistent.

-----Original Message-----

From: Ryan, Marian (NOR)  
Sent: Tuesday, October 09, 2012 8:54 PM  
To: Pelgro, Michael (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us'  
Subject: Re: Dookhan session

True-

----- Original Message -----

From: Pelgro, Michael (NOR)  
Sent: Tuesday, October 09, 2012 08:50 PM  
To: Ryan, Marian (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Re: Dookhan session

Thanks, Marian.

Motions filing deadline of 10-17 (next Wednesday) and then hearings start the following Monday. Not much time.

Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] (direct)  
[REDACTED] (cell)

----- Original Message -----

From: Ryan, Marian (NOR)  
Sent: Tuesday, October 09, 2012 08:45 PM  
To: Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
Cc: 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
Subject: Dookhan session

Clerk faxed over a schedule for this session -10/22, 23, 25, 26 and 29 @ 9. All inmates have to file motions by 10/17. All to be by video except Billerica inmates. Commonwealth to respond to motions and requests for bail in writing.

If D has not filed motion, he is taken off the list- Left copies for each of you- Next step is to start going through files once retrieved to ascertain that they are AD cases and then we will make some recommendations re whether the case can survive and should be given a new date once the Court has dealt w the motions for new trial/bail.

**Archived:** Tuesday, March 12, 2019 10:41:11 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** RE: JP Lab: Chemist at center of drug lab scandal refuses to testify in Roxbury District Court

**Sensitivity:** Normal

---

ok



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)

**Sent:** Wednesday, October 10, 2012 2:21 PM

**To:** Leone, Gerard (NOR)

**Subject:** Re: JP Lab: Chemist at center of drug lab scandal refuses to testify in Roxbury District Court

Jimmy Connolly says as of last night that other chemists will respond to subpoenas-we will have to file discovery for them

---

**From:** Leone, Gerard (NOR)

**Sent:** Wednesday, October 10, 2012 01:16 PM

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Re: JP Lab: Chemist at center of drug lab scandal refuses to testify in Roxbury District Court

That helps frame decision making where she is a necessary witness.

---

**From:** Guyotte, Stephanie (NOR)

**Sent:** Wednesday, October 10, 2012 12:52 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** JP Lab: Chemist at center of drug lab scandal refuses to testify in Roxbury District Court

More unfolding on JP lab (yikes!):

**Chemist at center of drug lab scandal refuses to testify in Roxbury District Court**

**By John R. Ellement, Boston Globe, October 10, 2012**

<http://boston.com/metrodesk/2012/10/10/chemist-center-closed-drug-lab-scandal-refuses-testify-roxbury-district-court/ft2TGewy6i3UJdbmQDhgfl/story.html>

- Annie Dookhan invoked her 5th Amendment right against self-incrimination during a hearing today in the prosecution of Shawn Drumgold on drug charges in Roxbury Municipal Court.
- Drumgold's attorney, Rosemary Curran Scapicchio said that Dookhan, the chemist at the center of a drug testing scandal, was the confirmatory chemist in the case and suggests she had a role in testing the drugs.



- Drumgold, who once spent 15 years in prison for the slaying of a 12-year-old girl he says he did not commit, faces charges in a 2011 drug case in which heroin and cocaine were seized.
- **Jake Wark, spokesman for Suffolk County District Attorney Daniel F. Conley, said Dookhan was not involved in testing the drugs in this case and called Scapicchio's allegations baseless.**
- Dookhan faces two counts of obstruction of justice for allegedly tampering with evidence in drug cases she handled at the now closed Department of Public Health lab in Jamaica Plain.
- Dookhan's attorney Nicolas Gordon told the judge that her client could not take the stand and invoked her 5th Amendment right against self-incrimination. Dookhan was then allowed to leave the courthouse and was dismissed as a witness.
- Scapicchio plans to call five other chemists today who worked at the Hinton drug lab to testify about procedures at the facility. She subpoenaed Dookhan and the other chemists.
- According to Scapicchio, Dookhan's initials appeared on the evidence documentation for the alleged drugs that served as the basis for Drumgold's prosecution.
- Scapicchio said she wanted to question Dookhan on the handling of the evidence in her client's case.
- Suffolk prosecutors have insisted that Dookhan did not participate in the testing of the evidence in this case.
- Drumgold's drug arrest in 2011 came after he was awarded a \$14 million payout for a wrongful murder conviction in the slaying of 12-year-old Tiffany Moore in 1988.
- Scapicchio says Drumgold was charged in the drug case because he was the closest person to the drugs and not actually dealing the drugs.
- Drumgold was one of six people arrested in a Roxbury house where police discovered several bags of heroin and cocaine.

**Archived:** Tuesday, March 12, 2019 10:41:23 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Re: DPH Policies and Procedures  
**Sensitivity:** Normal

---

Thx, I'll likely get back to it mid afternoon.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, October 11, 2012 11:47 AM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Subject: RE: DPH Policies and Procedures

Drafting right now. Email was clogged, again.

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
Jodi.Walker@state.ma.us

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-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Thursday, October 11, 2012 11:47 AM  
To: Walker, Jodi (NOR); Ryan, Marian (NOR)  
Subject: Re: DPH Policies and Procedures

Send back final version that you want me to send to DAs, thx.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Wednesday, October 10, 2012 09:18 PM  
To: Ryan, Marian (NOR); Leone, Gerard (NOR)  
Subject: RE: DPH Policies and Procedures

OK - I'll tailor language to say just that. Gerry - do you want to send out, or marian / me? Do you want to give Suffolk a heads up?  
Below in between the italics is draft email. Too formal?

\*\*\*\*\*

Attached is purportedly the DPH JP Lab Policies and Procedures from 2004, which was provided to the MDAO by the DPH JP Lab, per a discovery order, prior to the lab's closure, and which was produced by the MDAO in at least one case in discovery at the time. In light of the lab's closure and facts that have come to light about Dookhan and the JP lab since that time, it is my office's intention to continue to produce these potentially exculpatory policies and procedures in all cases involving Dookhan and the JP Lab. EOPSS and the AGO are aware of our possession of this document and our inclination to produce them in discovery. The AGO has not asserted any privilege over these documents.

\*\*\*\*\*

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, October 10, 2012 9:11 PM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: DPH Policies and Procedures

Agreed

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Wednesday, October 10, 2012 09:10 PM  
To: Walker, Jodi (NOR); Ryan, Marian (NOR)  
Subject: Re: DPH Policies and Procedures

I think we just apprise the AGO and other DAOs of our intention to disclose, and our obligation to continue to produce the DPH policies document where we have already produced it, pre Dookhan disclosure.

----- Original Message -----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Wednesday, October 10, 2012 05:36 PM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Subject: FW: DPH Policies and Procedures

GTL - I drafted the below email (which Marian has reviewed) for you to send to the DAOs, copying Verner and Curt Wood (whom I gave heads up to last week over the phone that we had the policies, and were inclined to produce, and would be sending this email to share with the DAOs. We waited to see if we heard anything back, per our discussion, and not a word as of this afternoon.) We may need a different approach to this - see Herald Article, just sent, where Suffolk ADA says that Suffolk can't access this protocol. AGO reported to me its belief that Suffolk has this policy and AGO's belief that it had been turned over in a Suffolk case.

I am available to talk this through tonight or tomorrow.

\*\*\*\*\*

Attached please find, what was reported to MDAO to be, the DPH JP Lab Policies and Procedures from 2004. My office was provided with this document prior to the JP Lab's closure by the DPH JP Lab, per a court order for discovery. [These policies and procedures were turned over in at least two MDAO cases involving Dookhan, prior to the lab's closure, one pursuant to a judicial order and the other pursuant to a discovery request. - NOT SURE WE NEED TO SAY THIS.] In light of the lab's closure and facts that have come to light about Dookhan and the JP lab since that time, it is my office's intention to produce these potentially exculpatory policies and procedures in all cases involving Dookhan and the JP Lab. EOPSS and the AGO

are aware of our possession of this document and our inclination to produce them in discovery. The AGO has not asserted any privilege over these documents.

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
Jodi.Walker@state.ma.us<mailto:Jodi.Walker@state.ma.us>

**Archived:** Tuesday, March 12, 2019 10:41:27 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: DPH Policies and Procedures  
**Sensitivity:** Normal

---

Ok, will deal with this after our 1-2 p.m. Event

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, October 11, 2012 12:19 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: RE: DPH Policies and Procedures

Gerry - For internal knowledge and background only, and to correct a point I made in the past, in the Camb. D.Ct. case where we produced these policies [REDACTED], Singleton did not order us to get and produce these policies. DC filed a discovery motion, which included a request for the DPH policies. Upon receiving the motion, the ADA called DPH Legal Counsel to discuss the requests, including the request for the policies, and DPH Legal Counsel authorized DPH Director to send the policies to us. We received these prior to the lab's closure. After our receipt of these policies in that case, a second DC requested the policies in a separate Superior Court case [REDACTED]. We turned them over in that case as well. Both of these productions were prior to the lab's closure.

DRAFT EMAIL SUBSTANCE BELOW IN ITALICS - If you like I can send to you in an email form, with copy to Verner and Curt Wood. I think less is more here.

\*\*\*\*\*

Prior to the lab's closure, pursuant to a discovery motion, the MDAO received from the DPH Lab, and produced in discovery in at least one case, its 2004 policies and procedures. In light of the lab's closure and facts that have come to light about Dookhan and the JP lab, the MDAO intends to include these policies and procedures in its discovery packet being provided in cases involving Dookhan and the JP Lab. We have notified EOPSS and the AGO office that we have these policies and intend to produce them. The AGO has not asserted any privilege over these documents.

\*\*\*\*\*

**Archived:** Tuesday, March 12, 2019 10:41:49 AM

**From:** Leone, Gerard (NOR)

**To:** Matt Segal

**Cc:** bdougan@famm.org; Carol Rose; Ramasci, Michelle (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR) (Jodi.Walker@MassMail.State.MA.US); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

**Subject:** JP LAB RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

**Sensitivity:** Normal

---

Thank you Matt.

I will review the attached later tonight and with our staff tomorrow.

I am cc'ing the 5 major POCs in our office who are responsible for the various facets of the Hinton Lab issues at D. and S. Ct.  
Gerry

---

**From:** Matt Segal [mailto:MSegal@aclum.org]

**Sent:** Thursday, October 11, 2012 3:03 PM

**To:** Leone, Gerard (NOR)

**Cc:** bdougan@famm.org; Carol Rose; Ramasci, Michelle (NOR)

**Subject:** Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Dear District Attorney Leone:

Attached please find a letter to Attorney General Coakley and county District Attorneys from the ACLU of Massachusetts and Families Against Mandatory Minimums concerning the Hinton lab scandal.

Please do not hesitate to contact me about this matter.

Sincerely,  
Matthew Segal

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts  
211 Congress Street  
Boston, MA 02110  
Tel: [REDACTED]  
Web: [www.aclum.org](http://www.aclum.org)

**Archived:** Tuesday, March 12, 2019 10:41:54 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: DPH Policies and Procedures  
**Sensitivity:** Normal

---

Is this the email that I'm to send to the DAs?

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Thursday, October 11, 2012 05:06 PM  
To: Walker, Jodi (NOR); Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: RE: DPH Policies and Procedures

Back at office, Gerry, if you want to talk about this.

-----Original Message-----

From: Walker, Jodi (NOR)  
Sent: Thursday, October 11, 2012 12:20 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: RE: DPH Policies and Procedures

Gerry - For internal knowledge and background only, and to correct a point I made in the past, in the Camb. D.Ct. case where we produced these policies ([REDACTED]), Singleton did not order us to get and produce these policies. DC filed a discovery motion, which included a request for the DPH policies. Upon receiving the motion, the ADA called DPH Legal Counsel to discuss the requests, including the request for the policies, and DPH Legal Counsel authorized DPH Director to send the policies to us. We received these prior to the lab's closure. After our receipt of these policies in that case, a second DC requested the policies in a separate Superior Court case ([REDACTED]). We turned them over in that case as well. Both of these productions were prior to the lab's closure.

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\*\*\*\*\*

**Archived:** Tuesday, March 12, 2019 10:42:06 AM

**From:** Leone, Gerard (NOR)

**To:** 'MSegal@aclum.org'

**Cc:** 'bdougan@famm.org'; 'CRose@aclum.org'; Ramasci, Michelle (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'gerard.leone@state.ma.us'

**Subject:** Re: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

**Sensitivity:** Normal

---

Agreed Matt.

Heightened systemic effectiveness should be a goal of all in and served by the CJS.

Thanks.

Gerry

---

**From:** Matt Segal [mailto:MSegal@aclum.org]

**Sent:** Thursday, October 11, 2012 04:27 PM

**To:** Leone, Gerard (NOR)

**Cc:** bdougan@famm.org <bdougan@famm.org>; Carol Rose <CRose@aclum.org>; Ramasci, Michelle (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** RE: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Gerry,

Thanks very much for your messages. I'm grateful that you've taken time to read and consider the letter's proposals.

Even if you and I ultimately cannot agree on precisely how these cases should be handled, I do hope we can have some discussions about how this process should unfold. I of course remain hopeful about the proposals in the letter. But even if you cannot endorse them in their entirety, an even if you continue to disagree at least in part with our policy position, we may still find areas of agreement. For example, we might be able to increase the overlap between ACLUM and FAMM's proposals, on the one hand, and internal MDAO prosecution principles, on the other. Each area of agreement, in turn, could facilitate justice and save time and money.

Again, thanks for reaching out to me. I'd welcome the opportunity to discuss this with you further, so please feel free to call anytime.

Best,  
Matt

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts  
211 Congress Street  
Boston, MA 02110  
Tel: [REDACTED]  
Web: [www.aclum.org](http://www.aclum.org)

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]

**Sent:** Thursday, October 11, 2012 4:14 PM

**To:** Matt Segal

**Cc:** bdougan@famm.org; Carol Rose; Ramasci, Michelle (DAA); Ellis, Sarah (NOR); Walker, Jodi (DAA); Ryan, Marian (DAA); Wechsler, Pamela (DAA); Pelgro, Michael (DAA); Leone, Gerard (DAA)



**Subject:** JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Matt:

I have just read your letter, and appreciate your thinking through broad ways to address these problems systemically. I remain open to discussions about a broad based way to collectively address these Hinton Lab problems, that were caused by the management failures of the DPH and others, but cannot endorse the entirety of your attached proposal, and disagree at least in part with your articulated policy position.

We at the MDAO will continue to handle these cases by addressing them on a case by case basis, applying internal MDAO prosecution principles that include, but are not limited to consideration of some of the categories of Hinton Lab cases that you have articulated in your letter, and we will continue to make litigation decisions based on the available admissible evidence – which we are learning may preclude prosecution in a large category of these cases.

Sincerely,  
Gerry

---

**From:** Matt Segal [mailto:MSegal@aclum.org]

**Sent:** Thursday, October 11, 2012 3:03 PM

**To:** Leone, Gerard (NOR)

**Cc:** bdougan@famm.org; Carol Rose; Ramasci, Michelle (NOR)

**Subject:** Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Dear District Attorney Leone:

Attached please find a letter to Attorney General Coakley and county District Attorneys from the ACLU of Massachusetts and Families Against Mandatory Minimums concerning the Hinton lab scandal.

Please do not hesitate to contact me about this matter.

Sincerely,  
Matthew Segal

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts  
211 Congress Street  
Boston, MA 02110  
Tel: [REDACTED]  
Web: [www.aclum.org](http://www.aclum.org)

**Archived:** Tuesday, March 12, 2019 10:42:09 AM

**From:** Leone, Gerard (NOR)

**To:** Ellis, Sarah (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Re: JP LAB and ACLU : Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

**Sensitivity:** Normal

---

Right

---

**From:** Ellis, Sarah (NOR)

**Sent:** Thursday, October 11, 2012 05:20 PM

**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** RE: JP LAB and ACLU : Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

The ACLU wants us to dismiss all criminal cases that do not charge violence crime or weapons??? How does that even relate to Annie Dookhan? This letter is proposing that drug offenses no longer be criminally prosecuted period.

=====

*Sarah Ellis | Director of District Courts  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)*

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---

**From:** Leone, Gerard (NOR)

**Sent:** Thursday, October 11, 2012 4:02 PM

**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** JP LAB and ACLU : Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

---

**From:** Matt Segal [<mailto:MSegal@aclum.org>]

**Sent:** Thursday, October 11, 2012 3:03 PM

**To:** Leone, Gerard (NOR)

**Cc:** [bdougan@famm.org](mailto:bdougan@famm.org); Carol Rose; Ramasci, Michelle (NOR)

**Subject:** Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Dear District Attorney Leone:

Attached please find a letter to Attorney General Coakley and county District Attorneys from the ACLU of Massachusetts and Families Against Mandatory Minimums concerning the Hinton lab scandal.

Please do not hesitate to contact me about this matter.

Sincerely,  
Matthew Segal

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts

211 Congress Street

Boston, MA 02110

Tel: [REDACTED]

Web: [www.aclum.org](http://www.aclum.org)

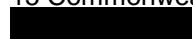
**Archived:** Tuesday, March 12, 2019 10:44:15 AM  
**From:** Leone, Gerard (NOR)  
**To:** DAA-DL-ALL.DAs  
**Cc:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Bcc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** JP LAB: DPH Policies and Procedures  
**Sensitivity:** Normal

---

Prior to the August 30, 2012 closing of the Hinton State Lab in Jamaica Plain and corresponding public revelation of the failures of the Lab, Chemist Annie Dookhan, and the supervisory management structure of the Lab, I recently learned that the Middlesex District Attorney's Office ("MDAO") has previously disclosed and produced on July 30, 2012, a copy of the policies and procedures of that Lab in the course of a case at the MDAO.

Pursuant to a defense discovery motion, the MDAO received from the DPH Lab, and produced in discovery in at least one case on July 30, 2012, the 2004 Policies and Procedures of the Hinton State Lab in Jamaica Plain. In light of the aforementioned closure of the Lab and facts that have come to light about Chemist Dookhan and the Hinton State Lab in Jamaica Plain, the MDAO intends to prospectively include these policies and procedures in its discovery packet that is being provided in MDAO cases involving Dookhan and the Lab. We have notified EOPSS and the MA AGO that we possess these policies and procedures, and intend to produce them in the litigation of our cases. The AGO has not asserted any privilege over these documents.

Gerry

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:44:17 AM  
**From:** Leone, Gerard (NOR)  
**To:** Leone, Gerard (NOR)  
**Subject:** JP LAB: DPH Policies and Procedures  
**Sensitivity:** Normal

---

Prior to the lab's closure, pursuant to a discovery motion, the MDAO received from the DPH Lab, and produced in discovery in at least one case, its 2004 policies and procedures. In light of the lab's closure and facts that have come to light about Dookhan and the JP lab, the MDAO intends to include these policies and procedures in its discovery packet being provided in cases involving Dookhan and the JP Lab. We have notified EOPSS and the AGO office that we have these policies and intend to produce them. The AGO has not asserted any privilege over these documents.

>

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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>

> Gerry - For internal knowledge and background only, and to correct a point I made in the past, in the Camb. D.Ct. case where we produced these policies ([REDACTED]), Singleton did not order us to get and produce these policies. DC filed a discovery motion, which included a request for the DPH policies. Upon receiving the motion, the ADA called DPH Legal Counsel to discuss the requests, including the request for the policies, and DPH Legal Counsel authorized DPH Director to send the policies to us. We received these prior to the lab's closure. After our receipt of these policies in that case, a second DC requested the policies in a separate Superior Court case ([REDACTED]). We turned them over in that case as well. Both of these productions were prior to the lab's closure.

>

>

**Archived:** Tuesday, March 12, 2019 10:44:20 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'jodi.walker@state.ma.us'; Ryan, Marian (NOR)  
**Subject:** Fw: JP LAB: DPH Policies and Procedures  
**Sensitivity:** Normal

---

Fyi

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Friday, October 12, 2012 06:01 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: DPH Policies and Procedures

Would you forward a copy those to me as well. Does anyone know whether there is an updated policy and procedures manual after 2004.

*Sent from my Verizon Wireless 4G LTE DROID*


-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**To:** "DAA-DL-ALL.DAs" <DAA-DL-ALL.DAs@MassMail.State.MA.US>  
**Cc:** "Ryan, Marian (NOR)" <Marian.Ryan@state.ma.us>, "jodi.walker@state.ma.us" <jodi.walker@state.ma.us>  
**Sent:** Fri, Oct 12, 2012 13:45:38 EDT  
**Subject:** JP LAB: DPH Policies and Procedures

Prior to the August 30, 2012 closing of the Hinton State Lab in Jamaica Plain and corresponding public revelation of the failures of the Lab, Chemist Annie Dookhan, and the supervisory management structure of the Lab, I recently learned that the Middlesex District Attorney's Office ("MDAO") has previously disclosed and produced on July 30, 2012, a copy of the policies and procedures of that Lab in the course of a case at the MDAO.

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15 Commonwealth Ave., Woburn, MA 01801  
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**Archived:** Tuesday, March 12, 2019 10:44:23 AM  
**From:** Leone, Gerard (NOR)  
**To:** Morrissey, Michael (NFK)  
**Subject:** Re: JP LAB: DPH Policies and Procedures  
**Sensitivity:** Normal

---

You want a copy of the Polices and Procedures that we have?

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Friday, October 12, 2012 06:01 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: DPH Policies and Procedures

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*Sent from my Verizon Wireless 4G LTE DROID*


-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**To:** "DAA-DL-ALL.DAs" <DAA-DL-ALL.DAs@MassMail.State.MA.US>  
**Cc:** "Ryan, Marian (NOR)" <Marian.Ryan@state.ma.us>, "jodi.walker@state.ma.us" <jodi.walker@state.ma.us>  
**Sent:** Fri, Oct 12, 2012 13:45:38 EDT  
**Subject:** JP LAB: DPH Policies and Procedures

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**Archived:** Tuesday, March 12, 2019 10:44:26 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** Re: JP LAB: DPH Policies and Procedures  
**Sensitivity:** Normal

---

Thx

---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, October 12, 2012 07:41 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: DPH Policies and Procedures

As far as we know that's the last one-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, October 12, 2012 07:26 PM  
**To:** 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ryan, Marian (NOR)  
**Subject:** Fw: JP LAB: DPH Policies and Procedures

Fyi

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Friday, October 12, 2012 06:01 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: DPH Policies and Procedures

Would you forward a copy those to me as well. Does anyone know whether there is an updated policy and procedures manual after 2004.

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**To:** "DAA-DL-ALL.DAs" <DAA-DL-ALL.DAs@MassMail.State.MA.US>  
**Cc:** "Ryan, Marian (NOR)" <Marian.Ryan@state.ma.us>, "jodi.walker@state.ma.us" <jodi.walker@state.ma.us>  
**Sent:** Fri, Oct 12, 2012 13:45:38 EDT  
**Subject:** JP LAB: DPH Policies and Procedures

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**Archived:** Tuesday, March 12, 2019 10:44:31 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Cc:** 'gerard.leone@state.ma.us'  
**Subject:** JP Lab Request for Assistance- Annie Dookhan  
**Sensitivity:** Normal

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**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, October 16, 2012 11:22 AM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** DAA-DL-APPLT CHIEFS  
**Subject:** FW: Request for Assistance- Annie Dookhan

To the DAs,

Below please find an email from John Verner, Chief of the AG's Criminal Bureau. He is seeking DA assistance in locating Annie Dookhan transcripts. John is copied on this email.

If you would like MDAA to keep a bank of these transcripts, please copy me when you reply to John.

Thank you,  
Tara

---

**From:** Verner, John (AGO)  
**Sent:** Tuesday, October 16, 2012 8:35 AM  
**To:** Maguire, Tara (DAA)  
**Subject:** Request for Assistance- Annie Dookhan

Tara, thanks for taking the time to talk yesterday and thank you in advance for passing this on to the DA's and their appeals folks. As we discussed, I am looking for any transcripts of trials where Annie Dookhan testified. In addition to the drug units looking at their cases I think the appeals bureaus may be a good source. I know in Middlesex we had a brief bank that you could search by names/terms etc. If other offices have that ability it would be an easy way to see what was out there. My thought of course is that this approach, if successful, may uncover additional charges against Dookhan and could save time and money on our end.

Thanks for your help

John

*John C. Verner*  
*Chief, Criminal Bureau*  
*Massachusetts Attorney General's Office*  
*One Ashburton Place*  
*Boston, Ma. 02108*  
[REDACTED] (direct)  
[john.verner@state.ma.us](mailto:john.verner@state.ma.us)

**Archived:** Tuesday, March 12, 2019 10:44:36 AM  
**From:** Leone, Gerard (NOR)  
**To:** Morrissey, Michael (NFK)  
**Subject:** RE: JP LAB: DPH Policies and Procedures  
**Sensitivity:** Normal

---

great

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Sunday, October 14, 2012 8:51 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP LAB: DPH Policies and Procedures

I haven't opened it yet but I believe I got it

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)>  
**To:** "Morrissey, Michael (NFK)" <[Michael.W.Morrissey@MassMail.State.MA.US](mailto:Michael.W.Morrissey@MassMail.State.MA.US)>  
**Sent:** Sun, Oct 14, 2012 08:39:50 EDT  
**Subject:** RE: JP LAB: DPH Policies and Procedures

Did you receive this document Mike?

I sent it when you asked.

Gerry

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Friday, October 12, 2012 6:02 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: DPH Policies and Procedures

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*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)>  
**To:** "DAA-DL-ALL.DAs" <[DAA-DL-ALL.DAs@MassMail.State.MA.US](mailto:DAA-DL-ALL.DAs@MassMail.State.MA.US)>  
**Cc:** "Ryan, Marian (NOR)" <[Marian.Ryan@state.ma.us](mailto:Marian.Ryan@state.ma.us)>, "jodi.walker@state.ma.us" <[jodi.walker@state.ma.us](mailto:jodi.walker@state.ma.us)>  
**Sent:** Fri, Oct 12, 2012 13:45:38 EDT  
**Subject:** JP LAB: DPH Policies and Procedures

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Gerry

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:44:40 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR)  
**Subject:** Re: Proposed Flow Chart for District Court Lab Cases  
**Sensitivity:** Normal

---

Thanks

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Monday, October 15, 2012 09:26 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR); Ramasci, Michelle (NOR)  
**Subject:** FW: Proposed Flow Chart for District Court Lab Cases

Gerry: For your MDAA meeting prep, attached is the memo from CJ Connolly to District Court judges on the Cambridge special session. Thanks, S

---

**From:** Michael Perpall [mailto:mperpall@publiccounsel.net]  
**Sent:** Wednesday, October 10, 2012 10:23 AM  
**To:** Ellis, Sarah (NOR)  
**Subject:** RE: Proposed Flow Chart for District Court Lab Cases

Sarah,

Please see attached.

Mike

---

**From:** Ellis, Sarah (DAA) [mailto:sarah.ellis@state.ma.us]  
**Sent:** Wednesday, October 10, 2012 10:15 AM  
**To:** 'Mperpall@publiccounsel.net'  
**Subject:** FW: Proposed Flow Chart for District Court Lab Cases

=====  
Sarah Ellis | Director of District Courts  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)

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---

**From:** Ellis, Sarah (NOR)  
**Sent:** Tuesday, October 09, 2012 10:22 PM  
**To:** Lynn.Rooney@jud.state.ma.us; Roanne.Sragow@jud.state.ma.us  
**Cc:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Subject:** Proposed Flow Chart for District Court Lab Cases

Hello Judges Rooney and Sragow:

Thank you for inviting MDAO to the meeting tomorrow at 2 p.m. to address issues related to establishing a special court session in Cambridge District Court to handle criminal litigation related to the JP Lab. In preparation for this meeting, we have assembled some ideas within MDAO for your consideration, aimed at streamlining the procedure for assigning cases to the special session. Below is a proposed flow-chart reflecting how cases could be brought before the special session. These ideas are presented to stimulate conversation and for your consideration and critique. We have been attempting to think constructively about procedural details and potential obstacles to the timely administration of justice, but we recognize there may be aspects we have not fully developed or contemplated. We look forward to the meeting and to discussion on these matters.

#### Case Flow-Chart:

1. Defense counsel files a written motion, clearly identifying the case as an Annie Dookhan or JP Lab matter in the heading of the motion, with the Clerk in the District Court of Origin.
2. Clerk in District Court of Origin logs the motion in the court record and sets the matter for a hearing date 10-14 days from the date of filing in the Cambridge DC Special Session.  
Each District Court has a day of the week assigned for cases to be heard in the Cambridge DC special session. For examples, Mondays at 2 p.m. are Waltham, Woburn and Newton; Tuesdays at 2 p.m. are Ayer, Lowell and Framingham, etc.
3. Clerk in DC of Origin notices Defense Counsel and MDAO (ADA in DC of Origin) of the hearing date in the Cambridge DC Special Session. Clerk in DC of Origin provides MDAO (ADA in DC of Origin) with a copy of the motion.
4. Clerk in DC of Origin transfers court file from DC of Origin to Cambridge DC Special Session.
5. ADA in Court of Origin transfers MDAO file from court of origin to Cambridge DC Special Session.
6. First hearing occurs in the Cambridge DC Special Session.
7. Subsequent court dates are set by the Cambridge DC Special Session presiding judge, while the Cambridge DC Special Session retains jurisdiction over the case.
8. Once the case is in a trial posture – the next court date is a trial date – or all lab-related motions have been litigated, the Cambridge DC Special Session relinquishes jurisdiction, the Clerk in the Cambridge DC Special Session sets a status date in the DC of Origin, and the case is sent back to the DC of Origin for status then trial.
9. Clerk in the Cambridge DC Special Session sends the court file back to the DC of Origin; MDAO ADAs in the Cambridge DC Special Session send MDAO file back to the ADAs in the DC of Origin; Defense counsel will appear for the next court date in the DC of Origin.

We further propose that the District Court special session team: Presiding Justices, ADA, CPCS, Clerk, and Probation representatives initially meet regularly (every two weeks?) to review the logistics of the session, vet procedural concerns, and further develop ideas to streamline the logistics of running a court session in Cambridge that addresses cases across the county.

Thanks again for your consideration and inclusion. We are looking forward to seeing you tomorrow afternoon.

Sarah



=====

Sarah Ellis | Director of District Courts  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 10:44:43 AM  
**From:** Leone, Gerard (NOR)  
**To:** Blodgett, Jonathan (EAS)  
**Subject:** FW: Globe Today; AD Past Email with Norfolk Prosecutor  
**Sensitivity:** Normal

---

Another reason that our colleague from suburban Boston might have had a heightened interest in these matters. However, if known, this might have been a reason to stay out of the press.

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Wednesday, October 17, 2012 6:39 AM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: Globe Today; AD Past Email with Norfolk Prosecutor

Chemist often called, wrote to prosecutor Annie Dookhan contacted Norfolk Assistant District Attorney George Papachristos often and in a familiar way. Her husband tried repeatedly to contact a startled Papachristos.

By Andrea Estes and Scott Allen  
Globe Staff / October 16, 2012  
E-mail | Print | Reprints | Comments (2)Text Size:→

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7

The chemist at the center of the state drug lab scandal carried on an unauthorized, sometimes personal, e-mail and phone correspondence with a prosecutor whose drug evidence she analyzed, a violation of office protocol that may give defense attorneys even more ammunition to throw out drug convictions involving Annie Dookhan's work.

Though State Police have concluded that Dookhan was not romantically involved with Norfolk Assistant District Attorney George Papachristos, Dookhan's husband was suspicious. At one point, Dookhan's husband tried repeatedly to contact a startled Papachristos, according to someone involved in the investigation, apparently out of concern that the two were having an affair.

The tone in the dozens of e-mails between the two was sometimes quite familiar, according to the person who has read them. Dookhan opened up about her life, confiding in one e-mail that she was unhappy in her marriage, though it is unclear from a printout of the e-mails whether she sent it. On another occasion, Papachristos reminded her that their relationship was strictly "professional" in response to something Dookhan wrote.

The correspondence, which dates back to 2009, was unusual enough that State Police investigating drug lab misconduct recently interviewed Papachristos about their relationship. Lab protocol calls for prosecutors to communicate through lab supervisors to avoid any question about the integrity of drug evidence, something Dookhan has acknowledged she should have done.

The American Civil Liberties Union has asked Attorney General Martha Coakley and the district attorneys to agree to throw out all drug cases "involving a police officer or prosecutor who, at any time, communicated directly with Annie Dookhan."

"Chemists aren't supposed to be doing favors on a case-by-case basis for a particular police officer or

prosecutor,” said Matthew R. Segal, legal director of the ACLU Foundation of Massachusetts. “That’s a good rule, no matter who the chemist is.”

Dookhan wrote e-mails and spoke on the phone with other prosecutors, the person involved with the investigation said, but the correspondence with Papachristos stood out.

Papachristos declined to answer questions, but his boss, Norfolk District Attorney Michael W. Morrissey, said Papachristos told him that he and Dookhan had no personal relationship.

“George never socially met her or had a relationship with her,” said Morrissey, who took office in 2011. “He met her once in court, and she never testified in any of his cases.”

However, Morrissey admitted that he has seen only a few e-mails, and he has refused repeated efforts by investigators to provide him with copies of the rest of the correspondence, because they are “the subject of an ongoing investigation” by Coakley and “I don’t want to interfere.”

Several state officials and prosecutors expressed confusion over Morrissey’s refusal to accept the e-mails, noting that he should know if one of his subordinates had an inappropriate relationship that could jeopardize cases in his office.

Morrissey also declined to give the Globe the handful of Dookhan-Papachristos e-mails in his possession on the grounds that the case is under investigation.

Dookhan analyzed drug evidence for numerous cases in Norfolk Superior Court in Dedham where Papachristos was assigned, including an Oxycodone-dealing conviction obtained by Papachristos that was one of the first to be overturned after allegations against Dookhan became public. It is unclear exactly how frequently Dookhan analyzed evidence for Papachristos, but Papachristos refers to several different cases in his e-mails.

Dookhan’s lawyer, Nicolas Gordon, declined to comment, saying he had not seen the e-mails.

As much as anything, the e-mails may offer insight into the mind of Dookhan, who has admitted to State Police that she falsified and mishandled drug evidence, potentially jeopardizing up to 34,000 drug cases she took part in during her nine-year career at the Jamaica Plain lab. She faces criminal charges on accusations of stating that a drug sample contained cocaine when it did not, resulting in the defendant’s conviction. She is also accused of falsely claiming she had a master’s degree in chemistry.

Many have wondered what would possess the bright, hardworking 34-year-old mother of a young son to behave so recklessly.

In the e-mails, Dookhan sent Papachristos chatty messages punctuated by exclamation points, according to the person involved in the investigation who has read the messages.

There is no suggestion in the correspondence that he asked her to alter results or provide other favors, but Dookhan had a reputation in the lab for being especially close to Norfolk prosecutors.

Gloria Phillips, an evidence officer, told police that Dookhan “always wanted Norfolk County” cases to analyze.

Dookhan appeared to be doing a favor for Norfolk law enforcement officials when she was caught in June 2011 taking evidence from 60 Norfolk drug cases out of a storage area without authorization. Her former supervisor, Elizabeth O’Brien, told State Police Dookhan had taken cases out of order and did not sign them out as required.

Dookhan’s co-workers told State Police that she was going through a “long divorce” from her husband, though the two still live together in Franklin. O’Brien added that Dookhan was “going through some personal problems.”



In summer 2009, Papachristos told Dookhan with some alarm that her husband had tried to contact him repeatedly, though they did not speak.

"I have to tell my bosses," Papachristos told Dookhan. "Tell him not to call again."

US Representative William R. Keating, who was Norfolk district attorney at the time, declined comment, citing the ongoing investigation.

However, Morrissey said Papachristos raised concerns to his supervisor at least once about one e-mail he received from Dookhan.

Dookhan and Papachristos continued to correspond for two years after that, including for five months after June 2011 when Dookhan's supervisors say they removed her from doing drug analysis because of questions about her handling of evidence. At one point, Papachristos asks Dookhan how she likes her "promotion," apparently unaware that she has been removed from drug analysis because of questions about her integrity.

Later in the year, Dookhan asked Papachristos about his Thanksgiving celebration.

Dookhan stressed that she worked alone and that no prosecutors urged her to break the rules.

Nonetheless, Segal said Dookhan's direct contact with prosecutors, without following proper protocol, should be grounds for dismissal of cases, suggesting the prosecutors knew that she would do what they wanted — give them the evidence they needed for drug convictions — without even asking.

"Would they have called if they had any doubt about what her answer would be? She reportedly was the only person at the lab who would take these calls" from prosecutors and police, said Segal in an interview. "You've seen the TV shows. Everyone else says, 'I can't get you that result right away, there's a procedure.' She alone says, 'I can get you these results right away.' The reason was reportedly by making [the results] up."

**Archived:** Tuesday, March 12, 2019 10:44:45 AM

**From:** Leone, Gerard (NOR)

**To:** DAA-DL-ALL.DAs

**Cc:** Ryan, Marian (NOR); Walker, Jodi (NOR) (Jodi.Walker@MassMail.State.MA.US)

**Subject:** JP LAB Globe, Mayor Menino asks for \$15M. for Boston in AD Scandal

**Sensitivity:** Normal

---

If we are going to go down this road, then a statewide unit should be formed to monitor JP LAB defendants who are released in any form (bail, NP/Dismissal, reduced/vacated sentences). Although Boston suffers the biggest direct hit here, and most of these may be defendant may be Boston centric, the issue of these defendants being released will impact everywhere in MA and beyond.

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

Sent: Wednesday, October 17, 2012 6:55 AM

To: Leone, Gerard (NOR); Ryan, Marian (NOR)

Cc: Walker, Jodi (NOR)

Subject: Globe; Menino asks for \$15 for Boston in AD Scandal

Mayor Thomas M. Menino asks Gov. Deval Patrick for \$15m to cover costs of convicts freed in drug lab scandal

By Peter Schworm, Andrew Ryan and John R. Ellement, Globe Staff

Mayor Thomas M. Menino today asked the Patrick administration for \$15 million to handle a potential influx to the city of hundreds of inmates whose convictions may be undone by alleged evidence tampering at a state drug testing laboratory.

Menino wrote that the city believes the state has a duty to help cover the costs that are expected to grow out of the scandal centering on former state chemist Annie Dookhan, whom officials fear may have tainted 60,000 drug samples involving 34,000 cases.

In his letter to Administration and Finance Secretary Jay Gonzalez, Menino said Boston anticipates that some 600 people will be returning to the community earlier than expected, and that the city is concerned about the impact they will have on the crime rate, rental housing, demand for emergency shelter, and the cost of job training and mental health counseling, among other issues.

"We intend to request the Commonwealth's assistance in meeting those needs," Menino wrote.

City officials last week said they would put more police on the street to deter criminal activity and create "crisis reentry teams" of police, probation officers, and outreach workers to oversee the freed inmates.

Many of the inmates who may be freed in the coming days have long histories of violence and drug trafficking, police and prosecutors say. Officials are meeting today with sentenced inmates who may soon have their sentences stayed, have their convictions overturned completely, or be freed on much lower bail amounts than initially imposed.

Menino said the effort is "intended to mitigate the impact in our neighborhood of approximately 600 individuals re-entering society from state institutions. ... I know that we share a common purpose in protecting our neighborhoods and in making sure that we don't backslide from recent gains in violence prevention, neighborhood stability, and opportunity creation," Menino wrote.

The city's request is the second of what is expected to be a slew of multimillion-dollar pleas for state assistance from the Committee for Public Counsel Services, the Trial Courts, and law enforcement agencies like State Police and the Department of Correction.

The Globe has reported that prosecutors, through the Massachusetts District Attorneys Association, are planning to seek at least \$10 million a year for the next several years to pay for more prosecutors, support staff, and equipment needed to update current cases and resurrect closed cases dating back to 2003 when Dookhan joined the Jamaica Plain lab.

The administration has asked that the budget requests be filed with them by Oct. 24.

Also today, Suffolk Superior Court Judge Christine McEvoy is presiding over the first special session created solely to hear Dookhan-related cases for Suffolk County, composed of Boston, Chelsea, Winthrop and Revere.

According to Suffolk District Attorney Daniel F. Conley's office, about 23,000 drug samples of the total feared mishandled by Dookhan are tied to Suffolk County prosecutions.

More than 20 people, most of whom are currently incarcerated in the state maximum security prison in Walpole, are asking to at least have their state prison sentences put on hold — or “stayed” in legal terms — while the state investigation into Dookhan's alleged misdeeds continue. Some are hoping that McEvoy will toss out their convictions outright in those instances where there is information that Dookhan directly handled the drug testing in their cases.

Since mid-September, similar hearings have been held, usually on a much smaller scale in terms of the number of defendants involved, in courthouses across eastern Massachusetts. More than 20 men and women have been completely freed, or have been released once their sentences have been stayed, since then.

**Archived:** Tuesday, March 12, 2019 10:44:47 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Cc:** Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US)  
**Subject:** JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor  
**Sensitivity:** Normal

---

Do we have any reason to believe that there were any direct contact between this chemist and members of our MDAO?

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Wednesday, October 17, 2012 6:39 AM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: Globe Today; AD Past Email with Norfolk Prosecutor

Chemist often called, wrote to prosecutor Annie Dookhan contacted Norfolk Assistant District Attorney George Papachristos often and in a familiar way. Her husband tried repeatedly to contact a startled Papachristos.

By Andrea Estes and Scott Allen  
Globe Staff / October 16, 2012  
E-mail | Print | Reprints | Comments (2)Text Size:→

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The chemist at the center of the state drug lab scandal carried on an unauthorized, sometimes personal, e-mail and phone correspondence with a prosecutor whose drug evidence she analyzed, a violation of office protocol that may give defense attorneys even more ammunition to throw out drug convictions involving Annie Dookhan's work.

Though State Police have concluded that Dookhan was not romantically involved with Norfolk Assistant District Attorney George Papachristos, Dookhan's husband was suspicious. At one point, Dookhan's husband tried repeatedly to contact a startled Papachristos, according to someone involved in the investigation, apparently out of concern that the two were having an affair.

The tone in the dozens of e-mails between the two was sometimes quite familiar, according to the person who has read them. Dookhan opened up about her life, confiding in one e-mail that she was unhappy in her marriage, though it is unclear from a printout of the e-mails whether she sent it. On another occasion, Papachristos reminded her that their relationship was strictly "professional" in response to something Dookhan wrote.

The correspondence, which dates back to 2009, was unusual enough that State Police investigating drug lab misconduct recently interviewed Papachristos about their relationship. Lab protocol calls for prosecutors to communicate through lab supervisors to avoid any question about the integrity of drug evidence, something Dookhan has acknowledged she should have done.

The American Civil Liberties Union has asked Attorney General Martha Coakley and the district attorneys to agree to throw out all drug cases "involving a police officer or prosecutor who, at any time, communicated directly with Annie Dookhan."

"Chemists aren't supposed to be doing favors on a case-by-case basis for a particular police officer or prosecutor," said Matthew R. Segal, legal director of the ACLU Foundation of Massachusetts. "That's a good rule, no matter who the chemist is."

Dookhan wrote e-mails and spoke on the phone with other prosecutors, the person involved with the investigation said, but the correspondence with Papachristos stood out.

Papachristos declined to answer questions, but his boss, Norfolk District Attorney Michael W. Morrissey, said Papachristos told him that he and Dookhan had no personal relationship.

"George never socially met her or had a relationship with her," said Morrissey, who took office in 2011. "He met her once in court, and she never testified in any of his cases."

However, Morrissey admitted that he has seen only a few e-mails, and he has refused repeated efforts by investigators to provide him with copies of the rest of the correspondence, because they are "the subject of an ongoing investigation" by Coakley and "I don't want to interfere."

Several state officials and prosecutors expressed confusion over Morrissey's refusal to accept the e-mails, noting that he should know if one of his subordinates had an inappropriate relationship that could jeopardize cases in his office.

Morrissey also declined to give the Globe the handful of Dookhan-Papachristos e-mails in his possession on the grounds that the case is under investigation.

Dookhan analyzed drug evidence for numerous cases in Norfolk Superior Court in Dedham where Papachristos was assigned, including an Oxycodone-dealing conviction obtained by Papachristos that was one of the first to be overturned after allegations against Dookhan became public. It is unclear exactly how frequently Dookhan analyzed evidence for Papachristos, but Papachristos refers to several different cases in his e-mails.

Dookhan's lawyer, Nicolas Gordon, declined to comment, saying he had not seen the e-mails.

As much as anything, the e-mails may offer insight into the mind of Dookhan, who has admitted to State Police that she falsified and mishandled drug evidence, potentially jeopardizing up to 34,000 drug cases she took part in during her nine-year career at the Jamaica Plain lab. She faces criminal charges on accusations of stating that a drug sample contained cocaine when it did not, resulting in the defendant's conviction. She is also accused of falsely claiming she had a master's degree in chemistry.

Many have wondered what would possess the bright, hardworking 34-year-old mother of a young son to behave so recklessly.

In the e-mails, Dookhan sent Papachristos chatty messages punctuated by exclamation points, according to the person involved in the investigation who has read the messages.

There is no suggestion in the correspondence that he asked her to alter results or provide other favors, but Dookhan had a reputation in the lab for being especially close to Norfolk prosecutors.

Gloria Phillips, an evidence officer, told police that Dookhan "always wanted Norfolk County" cases to analyze.

Dookhan appeared to be doing a favor for Norfolk law enforcement officials when she was caught in June 2011 taking evidence from 60 Norfolk drug cases out of a storage area without authorization. Her former supervisor, Elizabeth O'Brien, told State Police Dookhan had taken cases out of order and did not sign them out as required.

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Nonetheless, Segal said Dookhan’s direct contact with prosecutors, without following proper protocol, should be grounds for dismissal of cases, suggesting the prosecutors knew that she would do what they wanted — give them the evidence they needed for drug convictions — without even asking.

“Would they have called if they had any doubt about what her answer would be? She reportedly was the only person at the lab who would take these calls” from prosecutors and police, said Segal in an interview. “You’ve seen the TV shows. Everyone else says, ‘I can’t get you that result right away, there’s a procedure.’ She alone says, ‘I can get you these results right away.’ The reason was reportedly by making [the results] up.”

**Archived:** Tuesday, March 12, 2019 10:44:49 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)  
**Cc:** Walker, Jodi (NOR)  
**Subject:** RE: Globe; Menino asks for \$15 for Boston in AD Scandal  
**Sensitivity:** Normal

---

If they are going to go down this road, then they should form a statewide unit to monitor release of JP LAB defendants.

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Wednesday, October 17, 2012 6:55 AM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: Globe; Menino asks for \$15 for Boston in AD Scandal

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**Archived:** Tuesday, March 12, 2019 10:44:50 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: JP LAB: 2004 DPH Policies and Procedures  
**Sensitivity:** Normal

---

Thanks

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Tuesday, October 16, 2012 04:23 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: FW: JP LAB: 2004 DPH Policies and Procedures

I will send the 3d Discovery notice with these policies to all MDAO ADAs tomorrow AM.  
tHanks.

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
Jodi.Walker@state.ma.us

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-----Original Message-----

From: Walker, Jodi (NOR)  
Sent: Tuesday, October 16, 2012 4:23 PM  
To: Verner, John (AGO); Wood, Curtis  
Cc: Ryan, Marian (NOR)  
Subject: JP LAB: 2004 DPH Policies and Procedures

John and Curt - Per our separate, past discussions, MDAO will begin producing the 2004 DPH Policies and Procedures, which we received prior to the Lab's closing, in MDAO's discovery on Dookhan / JP Lab matters. MDAO has also advised the other DA offices of our notice to you on this issue, and our discovery intentions going forward.

Thank you both -

jlw

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
Jodi.Walker@state.ma.us

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**Archived:** Tuesday, March 12, 2019 10:44:52 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Cc:** Early, Joseph (MID); OKeefe, Michael (CPI)  
**Subject:** Re: Proposed Flow Chart for District Court Lab Cases  
**Sensitivity:** Normal

---

Thanks Tara

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, October 16, 2012 10:33 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Early, Joseph (MID); OKeefe, Michael (CPI)  
**Subject:** RE: Proposed Flow Chart for District Court Lab Cases

DA Leone,

Thank you. I have added it to the enclosures and the agenda.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, October 15, 2012 9:35 PM  
**To:** Maguire, Tara (DAA)  
**Cc:** Early, Joseph (MID); OKeefe, Michael (CPI)  
**Subject:** Fw: Proposed Flow Chart for District Court Lab Cases

Tara, we might want this printed for all for our JP Lab discussion on Wed.  
I think the Courts are straying from our expected approach that they would take.  
Thanks

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Monday, October 15, 2012 09:26 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Walker, Jodi (NOR); Ramasci, Michelle (NOR)  
**Subject:** FW: Proposed Flow Chart for District Court Lab Cases

Gerry: For your MDAA meeting prep, attached is the memo from CJ Connolly to District Court judges on the Cambridge special session. Thanks, S

---

**From:** Michael Perpall [<mailto:mperpall@publiccounsel.net>]  
**Sent:** Wednesday, October 10, 2012 10:23 AM  
**To:** Ellis, Sarah (NOR)  
**Subject:** RE: Proposed Flow Chart for District Court Lab Cases

Sarah,

Please see attached.

Mike

---

**From:** Ellis, Sarah (DAA) [<mailto:sarah.ellis@state.ma.us>]  
**Sent:** Wednesday, October 10, 2012 10:15 AM

**To:** 'Mperpall@publiccounsel.net'

**Subject:** FW: Proposed Flow Chart for District Court Lab Cases

=====

Sarah Ellis | Director of District Courts

Middlesex District Attorney's Office

15 Commonwealth Ave., Woburn, MA 01801

[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)

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**From:** Ellis, Sarah (NOR)

**Sent:** Tuesday, October 09, 2012 10:22 PM

**To:** [Lynn.Rooney@jud.state.ma.us](mailto:Lynn.Rooney@jud.state.ma.us); [Roanne.Sragow@jud.state.ma.us](mailto:Roanne.Sragow@jud.state.ma.us)

**Cc:** Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Proposed Flow Chart for District Court Lab Cases

Hello Judges Rooney and Sragow:

Thank you for inviting MDAO to the meeting tomorrow at 2 p.m. to address issues related to establishing a special court session in Cambridge District Court to handle criminal litigation related to the JP Lab. In preparation for this meeting, we have assembled some ideas within MDAO for your consideration, aimed at streamlining the procedure for assigning cases to the special session. Below is a proposed flow-chart reflecting how cases could be brought before the special session. These ideas are presented to stimulate conversation and for your consideration and critique. We have been attempting to think constructively about procedural details and potential obstacles to the timely administration of justice, but we recognize there may be aspects we have not fully developed or contemplated. We look forward to the meeting and to discussion on these matters.

Case Flow-Chart:

1. Defense counsel files a written motion, clearly identifying the case as an Annie Dookhan or JP Lab matter in the heading of the motion, with the Clerk in the District Court of Origin.
2. Clerk in District Court of Origin logs the motion in the court record and sets the matter for a hearing date 10-14 days from the date of filing in the Cambridge DC Special Session.  
Each District Court has a day of the week assigned for cases to be heard in the Cambridge DC special session. For examples, Mondays at 2 p.m. are Waltham, Woburn and Newton; Tuesdays at 2 p.m. are Ayer, Lowell and Framingham, etc.
3. Clerk in DC of Origin notices Defense Counsel and MDAO (ADA in DC of Origin) of the hearing date in the Cambridge DC Special Session. Clerk in DC of Origin provides MDAO (ADA in DC of Origin) with a copy of the motion.
4. Clerk in DC of Origin transfers court file from DC of Origin to Cambridge DC Special Session.
5. ADA in Court of Origin transfers MDAO file from court of origin to Cambridge DC Special Session.
6. First hearing occurs in the Cambridge DC Special Session.
7. Subsequent court dates are set by the Cambridge DC Special Session presiding judge, while the Cambridge DC Special Session retains jurisdiction over the case.
8. Once the case is in a trial posture – the next court date is a trial date – or all lab-related motions have been litigated, the Cambridge DC Special Session relinquishes jurisdiction, the Clerk in the Cambridge DC Special Session sets a status date in the DC of Origin, and the case is sent back to the DC of Origin for status then trial.
9. Clerk in the Cambridge DC Special Session sends the court file back to the DC of Origin; MDAO ADAs in the Cambridge DC Special Session send MDAO file back to the ADAs in the DC of Origin; Defense counsel will appear for the next court date in the DC of Origin.

We further propose that the District Court special session team: Presiding Justices, ADA, CPCS, Clerk, and Probation representatives initially meet regularly (every two weeks?) to review the logistics of the session, vet procedural concerns, and further develop ideas to streamline the logistics of running a court session in Cambridge that addresses cases across the county.

Thanks again for your consideration and inclusion. We are looking forward to seeing you tomorrow afternoon.  
Sarah



=====

Sarah Ellis | Director of District Courts  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 10:45:00 AM

**From:** Walker, Jodi (NOR)

**Sent:** Wed, 17 Oct 2012 17:05:31

**To:** Leone, Gerard (NOR)

**Cc:** Ryan, Marian (NOR)

**Subject:** RE: Dookhan - suffolk info

**Sensitivity:** Normal

---

OK – thanks.

We need to make sure we are consistent with MDAO policy / approach to these cases, when appropriate, in this group. I can explain.

*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

(T) 

(F) 

[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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**From:** Leone, Gerard (NOR)

**Sent:** Wednesday, October 17, 2012 5:03 PM

**To:** Walker, Jodi (NOR); Stevens, Bethany (NOR)

**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Bender, Robert (NOR)

**Subject:** Re: Dookhan - suffolk info

The DAs agreed today that it made sense to have a group convene for legal issues related to the JP Lab. I offered Bethany and Bob Bender to join that group, in light of their work in this area for us.

I will forward my notes and materials from our MDAA meeting.

---

**From:** Walker, Jodi (NOR)

**Sent:** Wednesday, October 17, 2012 11:46 AM

**To:** Stevens, Bethany (NOR)

**Cc:** Ryan, Marian (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

**Subject:** Re: Dookhan - suffolk info

Thanks, Bethany. Helpful. We are still trying to figure out our approach.

Sent from my iPhone

On Oct 17, 2012, at 11:43 AM, "Stevens, Bethany (NOR)" <[Bethany.Stevens@MassMail.State.MA.US](mailto:Bethany.Stevens@MassMail.State.MA.US)> wrote:

Hi

I have been touching base with Jack Zanini to see how things have been going over in Suffolk – he says that D's

have been filing motions to stay and/or motions for new trial; that issue at first “special court” session was just bail which they have been getting as well as conditions or gps or some combo (although some D’s are choosing to stay in custody because of other conviction/charges they want to run) – and then they are getting a status date of about 30 days out and are planning to be ready to either oppose or concede the MNT/nol pros or set for trial on that next status date (although some D’s may not actually file their MNT until the next status date).

I gave him a copy of Bender’s draft of opposing guilty pleas which he likes and will likely crib from. That said, even though they are planning on fighting the guilty pleas, they did assent to motions to stays in those cases. When I pressed him on why assent to stay if taking position that guilty plea should be insulated, his response was “cognitive dissonance” – so it is their “present intent” to oppose plea withdrawals; with respect to trials, they are trying to categorize where AD possessory vs. confirmatory vs. notarized, whether drugs still exist and if can establish a chain of custody in order to retest, and/or any other theories/basis for proceeding.

Bethany Stevens, Deputy Chief  
Appeals & Training Bureau  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
ph: [REDACTED] fax: [REDACTED]  
email: [Bethany.Stevens@state.ma.us](mailto:Bethany.Stevens@state.ma.us)

*The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.*

**Archived:** Tuesday, March 12, 2019 10:45:08 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Subject:** Re: JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor  
**Sensitivity:** Normal

---

So conversations that ADAs have in the regular course of business with all chemists.  
Nothing that could or should be characterized as the ACLU has in the article??

----- Original Message -----  
From: Ryan, Marian (NOR)  
Sent: Wednesday, October 17, 2012 08:14 AM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor

ADAs would have conversations with her 3 things that I know of:  
Scheduling  
Trial prep  
Her ability to testify about some particular fact in general-e.g. We have a case where she testified to the standard weight of certain pills where the drugs had been stolen by the D and not recovered-

----- Original Message -----  
From: Leone, Gerard (NOR)  
Sent: Wednesday, October 17, 2012 08:10 AM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: Re: JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor

What is the nature and scope of such communications between Chemist Dookhan and our staff that we know of?

----- Original Message -----  
From: Ryan, Marian (NOR)  
Sent: Wednesday, October 17, 2012 08:09 AM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor

Yes.

----- Original Message -----  
From: Leone, Gerard (NOR)  
Sent: Wednesday, October 17, 2012 08:06 AM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Subject: RE: JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor

This Chemist?

-----Original Message-----  
From: Ryan, Marian (NOR)  
Sent: Wednesday, October 17, 2012 7:47 AM  
To: Leone, Gerard (NOR); Walker, Jodi (NOR)  
Subject: Re: JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor

In terms of talking re cases/scheduling, etc. - yes.



----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Wednesday, October 17, 2012 07:12 AM  
To: Walker, Jodi (NOR); Ryan, Marian (NOR)  
Cc: Leone, Gerard (NOR)  
Subject: JP LAB: Globe Today; AD Past Email with Norfolk Prosecutor

Do we have any reason to believe that there were any direct contact between this chemist and members of our MDAO?

-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Wednesday, October 17, 2012 6:39 AM  
To: Leone, Gerard (NOR); Ryan, Marian (NOR)  
Cc: Walker, Jodi (NOR)  
Subject: Globe Today; AD Past Email with Norfolk Prosecutor

Chemist often called, wrote to prosecutor Annie Dookhan contacted Norfolk Assistant District Attorney George Papachristos often and in a familiar way. Her husband tried repeatedly to contact a startled Papachristos.

By Andrea Estes and Scott Allen  
Globe Staff / October 16, 2012  
E-mail | Print | Reprints | Comments (2)Text Size:→+

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7

The chemist at the center of the state drug lab scandal carried on an unauthorized, sometimes personal, e-mail and phone correspondence with a prosecutor whose drug evidence she analyzed, a violation of office protocol that may give defense attorneys even more ammunition to throw out drug convictions involving Annie Dookhan's work.

Though State Police have concluded that Dookhan was not romantically involved with Norfolk Assistant District Attorney George Papachristos, Dookhan's husband was suspicious. At one point, Dookhan's husband tried repeatedly to contact a startled Papachristos, according to someone involved in the investigation, apparently out of concern that the two were having an affair.

The tone in the dozens of e-mails between the two was sometimes quite familiar, according to the person who has read them. Dookhan opened up about her life, confiding in one e-mail that she was unhappy in her marriage, though it is unclear from a printout of the e-mails whether she sent it. On another occasion, Papachristos reminded her that their relationship was strictly "professional" in response to something Dookhan wrote.

The correspondence, which dates back to 2009, was unusual enough that State Police investigating drug lab misconduct recently interviewed Papachristos about their relationship. Lab protocol calls for prosecutors to communicate through lab supervisors to avoid any question about the integrity of drug evidence, something Dookhan has acknowledged she should have done.

The American Civil Liberties Union has asked Attorney General Martha Coakley and the district attorneys to agree to throw out all drug cases "involving a police officer or prosecutor who, at any time, communicated directly with Annie Dookhan."

"Chemists aren't supposed to be doing favors on a case-by-case basis for a particular police officer or prosecutor," said Matthew R. Segal, legal director of the ACLU Foundation of Massachusetts. "That's a good rule, no matter who the chemist is."

Dookhan wrote e-mails and spoke on the phone with other prosecutors, the person involved with the investigation said, but the correspondence with Papachristos stood out.

Papachristos declined to answer questions, but his boss, Norfolk District Attorney Michael W. Morrissey, said Papachristos told him that he and Dookhan had no personal relationship.

"George never socially met her or had a relationship with her," said Morrissey, who took office in 2011. "He met her once in court, and she never testified in any of his cases."

However, Morrissey admitted that he has seen only a few e-mails, and he has refused repeated efforts by investigators to provide him with copies of the rest of the correspondence, because they are "the subject of an ongoing investigation" by Coakley and "I don't want to interfere."

Several state officials and prosecutors expressed confusion over Morrissey's refusal to accept the e-mails, noting that he should know if one of his subordinates had an inappropriate relationship that could jeopardize cases in his office.

Morrissey also declined to give the Globe the handful of Dookhan-Papachristos e-mails in his possession on the grounds that the case is under investigation.

Dookhan analyzed drug evidence for numerous cases in Norfolk Superior Court in Dedham where Papachristos was assigned, including an Oxycodone-dealing conviction obtained by Papachristos that was one of the first to be overturned after allegations against Dookhan became public. It is unclear exactly how frequently Dookhan analyzed evidence for Papachristos, but Papachristos refers to several different cases in his e-mails.

Dookhan's lawyer, Nicolas Gordon, declined to comment, saying he had not seen the e-mails.

As much as anything, the e-mails may offer insight into the mind of Dookhan, who has admitted to State Police that she falsified and mishandled drug evidence, potentially jeopardizing up to 34,000 drug cases she took part in during her nine-year career at the Jamaica Plain lab. She faces criminal charges on accusations of stating that a drug sample contained cocaine when it did not, resulting in the defendant's conviction. She is also accused of falsely claiming she had a master's degree in chemistry.

Many have wondered what would possess the bright, hardworking 34-year-old mother of a young son to behave so recklessly.

In the e-mails, Dookhan sent Papachristos chatty messages punctuated by exclamation points, according to the person involved in the investigation who has read the messages.

There is no suggestion in the correspondence that he asked her to alter results or provide other favors, but Dookhan had a reputation in the lab for being especially close to Norfolk prosecutors.

Gloria Phillips, an evidence officer, told police that Dookhan "always wanted Norfolk County" cases to analyze.

Dookhan appeared to be doing a favor for Norfolk law enforcement officials when she was caught in June 2011 taking evidence from 60 Norfolk drug cases out of a storage area without authorization. Her former supervisor, Elizabeth O'Brien, told State Police Dookhan had taken cases out of order and did not sign them out as required.

Dookhan's co-workers told State Police that she was going through a "long divorce" from her husband, though the two still live together in Franklin. O'Brien added that Dookhan was "going through some personal problems."

In summer 2009, Papachristos told Dookhan with some alarm that her husband had tried to contact him

repeatedly, though they did not speak.

"I have to tell my bosses," Papachristos told Dookhan. "Tell him not to call again."

US Representative William R. Keating, who was Norfolk district attorney at the time, declined comment, citing the ongoing investigation.

However, Morrissey said Papachristos raised concerns to his supervisor at least once about one e-mail he received from Dookhan.

Dookhan and Papachristos continued to correspond for two years after that, including for five months after June 2011 when Dookhan's supervisors say they removed her from doing drug analysis because of questions about her handling of evidence. At one point, Papachristos asks Dookhan how she likes her "promotion," apparently unaware that she has been removed from drug analysis because of questions about her integrity.

Later in the year, Dookhan asked Papachristos about his Thanksgiving celebration.

Dookhan stressed that she worked alone and that no prosecutors urged her to break the rules.

Nonetheless, Segal said Dookhan's direct contact with prosecutors, without following proper protocol, should be grounds for dismissal of cases, suggesting the prosecutors knew that she would do what they wanted — give them the evidence they needed for drug convictions — without even asking.

"Would they have called if they had any doubt about what her answer would be? She reportedly was the only person at the lab who would take these calls" from prosecutors and police, said Segal in an interview. "You've seen the TV shows. Everyone else says, 'I can't get you that result right away, there's a procedure.' She alone says, 'I can get you these results right away.' The reason was reportedly by making [the results] up."

**Archived:** Tuesday, March 12, 2019 10:46:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR)  
**Subject:** Re: letter to the editor  
**Sensitivity:** Normal

---

Depends on the subject matter.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Wednesday, October 17, 2012 08:25 PM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR)  
Subject: Re: letter to the editor

Yes, I saw your good warnings.  
Your advice is usually good, Mr. DA. :)

Sent from my iPhone

On Oct 17, 2012, at 8:23 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Hence my warnings before I knew any of this. Turning out to be good advice.

>

> ----- Original Message -----

> From: Walker, Jodi (NOR)

> Sent: Wednesday, October 17, 2012 07:54 PM

> To: Leone, Gerard (NOR); Ryan, Marian (NOR)

> Subject: RE: Fwd: letter to the editor

>

> Did you hear Norfolk ADA in question resigned?

> That fact doesn't go far to dispel the Globe article's implications / statements that something was amiss there.

>

> The letter is good, but I think that the average reader will assume that the relationship b/w the prosecutor and the chemist was inappropriate, in the specific example in question, so that the letter's point may be lost.

>

> Also, it seems factually fluid situation to me, MSP still investigating.

>

>

> \_\_\_\_\_  
> From: Leone, Gerard (DAA) [gerry.leone@massmail.state.ma.us]

> Sent: Wednesday, October 17, 2012 6:29 PM

> To: Walker, Jodi (NOR); Ryan, Marian (NOR)

> Subject: Fw: Fwd: letter to the editor

>

> From: Morrissey, Michael (NFK)

> Sent: Wednesday, October 17, 2012 06:11 PM

> To: Leone, Gerard (NOR)

> Subject: Fwd: letter to the editor

>

>

>

> Sent from my Verizon Wireless 4G LTE DROID

>

>

> -----Original message-----

>

> From: "Conley, Daniel (SUF)" <Daniel.Conley@MassMail.State.MA.US>

> To: "Morrissey, Michael (NFK)" <Michael.W.Morrissey@MassMail.State.MA.US>

> Sent: Wed, Oct 17, 2012 16:35:09 GMT+00:00

> Subject: Fwd: letter to the editor

>

> FYI-

>

>

> Begin forwarded message:

>

> From: "Towle, John (SUF)"

<John.Towle@MassMail.State.MA.USmailto:John.Towle@MassMail.State.MA.US>>

> Date: October 17, 2012, 11:01:24 AM EDT

> To: "Conley, Daniel (SUF)"

<Daniel.Conley@MassMail.State.MA.USmailto:Daniel.Conley@MassMail.State.MA.US>>

> Subject: letter to the editor

>

> Hi Dan,

>

> I took the liberty of drafting a response to today's Globe story in the names of DA's Early and O'Keefe should the DA's wish to answer the story. In the alternative, perhaps DA Morrissey might want to to send it, particularly if he is inclined to raise some defense of the prosecutor mentioned in the story. That the story focused on Dookhan as pursuing the prosecutor was its best feature; that it did not include the points I raise in the letter but were presented to Estes repeatedly were its worst.

>

> John

**Archived:** Tuesday, March 12, 2019 10:46:02 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** RE: Letter to the editor  
**Sensitivity:** Normal

---

We will talk my friend.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, October 17, 2012 8:30 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Letter to the editor

I agree. What about you next? This group needs leadership.

Sent from my iPhone

On Oct 17, 2012, at 8:25 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Gives him a platform next year that might be helpful to him.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, October 17, 2012 07:39 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Letter to the editor

He wanted to do it!

Sent from my iPhone

On Oct 17, 2012, at 7:29 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

The dynamic is like a comic strip these days.  
Good nomination for Dan.  
I was disappointed it wasn't me. NOT!  
☺

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, October 17, 2012 7:29 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Letter to the editor

He left before I did . I never heard it . And we discussed the letter before he left.

Sent from my iPhone

On Oct 17, 2012, at 7:18 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Agreed Mike.  
How did he sit there and not tell us? Unless he did afterwards.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, October 17, 2012 7:12 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Letter to the editor

Correct , fired or resigned , interesting that we were'nt told that this afternoon.  
That's the story I want to read tomorrow before we send any letter. You can read the  
online version now on Boston. Com but I want to see placement and whether there is  
a fuller story tomorrow.

Sent from my iPhone

On Oct 17, 2012, at 7:06 PM, "Leone, Gerard (NOR)"  
<[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

I heard they just fired the ADA - ?

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, October 17, 2012 07:02 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Sullivan, David (NWD); Morrissey, Michael (NFK); DAA-DL-ALL.DAs; Cruz,  
Timothy (PLY)  
**Subject:** Re: Letter to the editor

I agree as well. I think that the false notion that it is improper for any ADA  
to call lab/ chemist/ DNA analyst / ballistic expert etc has to be answered  
but the challenge is to do so in away that states that generically while not  
adopting the notion that this particular prosecutor did nothing improper  
when we don't know the facts . I have sent a similar message to Dan  
Conley as the letter was written by John Towle and is a good letter but I  
want to discuss it further tomorrow and read the story as it appears in the  
paper tomorrow.

Sent from my iPhone

On Oct 17, 2012, at 5:18 PM, "Leone, Gerard (NOR)"  
<[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

One point of caution: we may not know the entire story  
regarding the nature and scope of the relationship between  
the ADA and the Chemist yet; and although separate but  
related issues, it might cause embarrassment if we find that  
the relationship was more than what is explained and the  
issues are intertwined.  
I have not seen the letter.

---

**From:** Sullivan, David (NWD)  
**Sent:** Wednesday, October 17, 2012 05:12 PM  
**To:** Morrissey, Michael (NFK); DAA-DL-ALL.DAs  
**Cc:** Cruz, Timothy (PLY)  
**Subject:** Re: Letter to the editor

Outstanding letter that directly addresses ACLU attack on

the integrity of our line prosecutors. Coming from Joe and Michael would be most effective. Thanks Dan for draft. Dave

Sent from my iPhone

On Oct 17, 2012, at 1:52 PM, "Morrissey, Michael (NFK)"  
<[Michael.W.Morrissey@MassMail.State.MA.US](mailto:Michael.W.Morrissey@MassMail.State.MA.US)> wrote:

*Sent from my Verizon Wireless 4G LTE  
DROID*

-----Original message-----

**From:** "Conley, Daniel (SUF)"  
<[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)>  
**To:** "Morrissey, Michael (NFK)"  
<[Michael.W.Morrissey@MassMail.State.MA.US](mailto:Michael.W.Morrissey@MassMail.State.MA.US)>  
**Sent:** Wed, Oct 17, 2012 16:35:09  
GMT+00:00  
**Subject:** Fwd: letter to the editor

FYI-

Begin forwarded message:

**From:** "Towle, John (SUF)"  
<[John.Towle@MassMail.State.MA.US](mailto:John.Towle@MassMail.State.MA.US)>  
**Date:** October 17, 2012, 11:01:24  
AM EDT  
**To:** "Conley, Daniel (SUF)"  
<[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)>  
**Subject:** letter to the editor

Hi Dan,

I took the liberty of drafting a response to today's Globe story in the names of DA's Early and O'Keefe should the DA's wish to answer the story. In the alternative, perhaps DA Morrissey might want to send it, particularly if he is inclined to raise some defense of the prosecutor mentioned in the story. That the story focused on Dookhan as pursuing the prosecutor was its best feature; that it did not include the points I raise in the letter but were presented to Estes repeatedly



were its worst.

John

<Early-OKeeffe letter to Globe re Dookhan  
story 10-17.docx>

October 17, 2012

Letters to the Editor  
The Boston Globe  
P.O. Box 55819  
Boston, MA 02205-5819

Dear Editor:

Your article of October 17 (Chemist often called, wrote prosecutor) raised a non-issue and created a false impression around the propriety of prosecutors communicating with chemists at the Department of Public Health Laboratory at the center of the ongoing crisis. Supervisors at the DPH lab routinely instructed prosecutors to contact chemists directly in order to obtain the drug evidence they needed and are required to present in court. In addition, the drug lab chemists are themselves required to testify in court. As witnesses in the case and people in custody of evidence to which the prosecutor is entitled, prosecutors not only have a right to speak with those chemists directly, they have legal and ethical obligations to do so. That the Globe would print a declaration by a representative of the American Civil Liberties Union characterizing such communications as being inappropriate or unethical and not include these simple facts to rebut their over-the-top assertions is terribly wrong and unfair. Today's story did a disservice to the state's prosecutors who did nothing to create this crisis, but who are bearing the overwhelming burden of fixing it.

Joseph D. Early, Jr.  
President, MDAA  
Worcester County District Attorney

Michael O'Keefe  
Vice president, MDAA  
Cape & Islands District Attorney

**Archived:** Tuesday, March 12, 2019 10:46:05 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** FW: Draft LTE, possibly from Joe and Mike O., possibly from MM  
**Sensitivity:** Normal

---

See below Mike. I sent it to all.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, October 18, 2012 11:10 AM  
**To:** OKeefe, Michael (CPI); Conley, Daniel (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Mike:

Are you confident with what has been publicly reported being the extent of the relationship between the ADA and the Chemist - professional, and in the business context of pending cases?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, October 18, 2012 10:59 AM  
**To:** Conley, Daniel (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Draft LTE, possibly from Joe and Mike O., possibly from MM

Joe and I are good with the letter if no other comment will send at noon!

Sent from my iPhone

On Oct 18, 2012, at 9:45 AM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

FYI-

Here's the draft LTE. First question, should we respond? Second, if we should respond, does this LTE articulate the right message? Third, if we respond, who should author the LTE, Joe and Mike or Mike Morrissey?  
DC

<Early-OKeefe letter to Globe re Dookhan story 10-17.docx>

**Archived:** Tuesday, March 12, 2019 10:46:09 AM  
**From:** Leone, Gerard (NOR)  
**To:** Blodgett, Jonathan (EAS); Early, Joseph (MID); OKeefe, Michael (CPI); Conley, Daniel (SUF)  
**Subject:** FW: Draft LTE, possibly from Joe and Mike O., possibly from MM  
**Sensitivity:** Normal

---

See below.

I'm not calling him. I want him to respond to my question, and tell us all.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Morrissey, Michael (NFK)  
**Sent:** Thursday, October 18, 2012 11:13 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Call me [REDACTED]

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US>  
**To:** "OKeefe, Michael (CPI)" <Michael.OKeefe@MassMail.State.MA.US>, "Conley, Daniel (SUF)" <Daniel.Conley@MassMail.State.MA.US>  
**Cc:** "DAA-DL-DA&EXEC.ASST" <DAA-DL-DA&EXEC.ASST@MassMail.State.MA.US>  
**Sent:** Thu, Oct 18, 2012 11:10:09 EDT  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Mike:

Are you confident with what has been publicly reported being the extent of the relationship between the ADA and the Chemist - professional, and in the business context of pending cases?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, October 18, 2012 10:59 AM  
**To:** Conley, Daniel (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Draft LTE, possibly from Joe and Mike O., possibly from MM

Joe and I are good with the letter if no other comment will send at noon!

Sent from my iPhone

On Oct 18, 2012, at 9:45 AM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

FYI-

Here's the draft LTE. First question, should we respond? Second, if we should respond, does this LTE articulate the right message? Third, if we respond, who should author the LTE, Joe and Mike or Mike Morrissey?

DC

<Early-OKeefe letter to Globe re Dookhan story 10-17.docx>

**Archived:** Tuesday, March 12, 2019 10:46:18 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM  
**Sensitivity:** Normal

---

I sent it to all the DAs on the group email.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, October 18, 2012 11:35 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Draft LTE, possibly from Joe and Mike O., possibly from MM

Sorry Gerry . Did you send it or Joe Early?

Sent from my iPhone

On Oct 18, 2012, at 11:19 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

I sent that to Mike Morrissey, not you, and am not going to all him. I want him to answer.

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, October 18, 2012 11:18 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Draft LTE, possibly from Joe and Mike O., possibly from MM

No but I don't think the letter is inaccurate or problematical even in the event that more is alleged .

Sent from my iPhone

On Oct 18, 2012, at 11:10 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Mike:

Are you confident with what has been publicly reported being the extent of the relationship between the ADA and the Chemist - professional, and in the business context of pending cases?

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, October 18, 2012 10:59 AM  
**To:** Conley, Daniel (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Draft LTE, possibly from Joe and Mike O., possibly from MM

Joe and I are good with the letter if no other comment will send at noon!

Sent from my iPhone

On Oct 18, 2012, at 9:45 AM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

FYI-

Here's the draft LTE. First question, should we respond? Second, if we should respond, does this LTE articulate the right message? Third, if we respond, who should author the LTE, Joe and Mike or Mike Morrissey?

DC

<Early-OKeefe letter to Globe re Dookhan story 10-17.docx>



**Archived:** Tuesday, March 12, 2019 10:46:30 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); NOR-DL-SENIOR LEADERSHIP TEAM

**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Irwin, Chris (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Dookhan Superior Court Special Session

**Sensitivity:** Normal

---

Thank you Jodi.

Thanks to you and Marian and Chris for all the work you are putting into making this process run as smoothly as possible. Have a good weekend all.

---

**From:** Walker, Jodi (NOR)

**Sent:** Friday, October 19, 2012 07:07 PM

**To:** NOR-DL-SENIOR LEADERSHIP TEAM

**Cc:** Leone, Gerard (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Irwin, Chris (NOR); Ramasci, Michelle (NOR)

**Subject:** Dookhan Superior Court Special Session

Hi all – Just an FYI. Attached for your reference is the list of the Middlesex Superior Court cases that will be in the Dookhan Special Session next week in Woburn. Marian and I will be handling the cases, but we wanted to make sure you knew what cases were on the list from your regions and areas. Thank you again all for your help.

Have a nice weekend –  
Jodi

*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

*(T)*

*(F)*

[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

**Archived:** Tuesday, March 12, 2019 10:46:41 AM  
**From:** Leone, Gerard (NOR)  
**To:** Conley, Daniel (SUF)  
**Bcc:** Leone, Gerard (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM  
**Sensitivity:** Normal

---

the letter is good, but I hate engaging. It likely will lead the press to dig deeper as to this issue and how things are done in Norfolk, creating a longer day story. And I'm not confident that what the press finds in Norfolk won't lead to them scrutinizing elsewhere where some things might not be as we might do things or want them. I'm not confident in how Norfolk might manage such things.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Conley, Daniel (SUF)  
**Sent:** Thursday, October 18, 2012 12:49 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Ok. In essence-he's pretty sure he knows everything. He revealed some of the ADA's email remarks, nothing big. Mike O'Keefe and Joe want to make sure you don't have any strong objections with the LTE going out. They remain of the mind (and I do as well) that it should go out, even after speaking with Morrissey this AM. I'll be over the courthouse at 2 pm until 3 and available thereafter if you want to catch up.

DC

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, October 18, 2012 12:45 PM  
**To:** Conley, Daniel (SUF)  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Dan, I'm in a case meeting until 2.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Conley, Daniel (SUF)  
**Sent:** Thursday, October 18, 2012 12:40 PM

**To:** Leone, Gerard (NOR)  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Joe and Mike did speak with him. Do you have time to talk now with me? If so, best number?

DC

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, October 18, 2012 12:39 PM  
**To:** Conley, Daniel (SUF)  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

thanks Dan.

I am not going to respond to his request for me to call him about this. I want all of us to know the answer.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Conley, Daniel (SUF)  
**Sent:** Thursday, October 18, 2012 12:04 PM  
**To:** Morrissey, Michael (NFK)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Hi Mike,

Following up on Gerry's question, before the letter goes out, are you fully confident there's nothing further with the Dookhan-Papachristos relationship? If you are confident, let us know, so Joe and Mike can get this out.

Thanks,

DC

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, October 18, 2012 11:10 AM  
**To:** OKeefe, Michael (CPI); Conley, Daniel (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Draft LTE, possibly from Joe and Mike O., possibly from MM

Mike:

Are you confident with what has been publicly reported being the extent of the relationship between the ADA and the Chemist - professional, and in the business context of pending cases?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, October 18, 2012 10:59 AM  
**To:** Conley, Daniel (SUF)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Draft LTE, possibly from Joe and Mike O., possibly from MM

Joe and I are good with the letter if no other comment will send at noon!

Sent from my iPhone

On Oct 18, 2012, at 9:45 AM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

FYI-

Here's the draft LTE. First question, should we respond? Second, if we should respond, does this LTE articulate the right message? Third, if we respond, who should author the LTE, Joe and Mike or Mike Morrissey?

DC

<Early-OKeefe letter to Globe re Dookhan story 10-17.docx>

**Archived:** Tuesday, March 12, 2019 10:47:00 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR)

**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Dookhan Superior Court Special Session

**Sensitivity:** Normal

---

Ok, just frame the asks around the factors we've discussed and ask.

One thing that came up yesterday, is the "Primary/Secondary Chemist" issue/factor.

Bottomline: if AD is "necessary to proof of a case BRD."

---

**From:** Walker, Jodi (NOR)

**Sent:** Saturday, October 20, 2012 10:01 AM

**To:** Leone, Gerard (NOR)

**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Dookhan Superior Court Special Session

Thanks, Gerry.

Morning all - Pam was very helpful yesterday in framing the issues. She, Marian, and I agreed to circle back over this weekend (most probably today) on the cases that are on for Monday to confirm our specific steps for each case.

My apologies in advance, but we may need more guidance and confirmation for Monday's cases and next week's cases than we will in weeks to come as I feel like we will be beginning to set precedent this week in MDAO's approach to these cases and also implicitly communicating legal and policy decisions as we do so.

Thanks all again for the help with this.

Sent from my iPhone

On Oct 20, 2012, at 9:14 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Ok, let me know what you need.

Thanks.

Pam and I had a discussion about some cases yesterday where I furthered framed some Lab issues in resolving three case statuses.

---

**From:** Ryan, Marian (NOR)

**Sent:** Saturday, October 20, 2012 09:11 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR)

**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Dookhan Superior Court Special Session

Should be just confirmation about those parameters that were discussed yesterday.

---

**From:** Leone, Gerard (NOR)

**Sent:** Saturday, October 20, 2012 09:10 AM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR)

**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Dookhan Superior Court Special Session

Will this list require affirmative review and proactive decisions on my part about cases?

---

**From:** Ryan, Marian (NOR)

**Sent:** Saturday, October 20, 2012 09:09 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); NOR-DL-SENIOR LEADERSHIP TEAM

**Cc:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Irwin, Chris (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Dookhan Superior Court Special Session

We will have a list by the end of the weekend of all cases on Monday and Tuesday w a brief summary and proposed course of action.

No session on Wednesday but one case on District Court Special Session which I handled last week and will go back to cover-we have talked about that case but I will resend the same as above.

By mid-week we will have the Thursday/Friday list.

Heaviest day so far is Monday, 10/29-will have that done by next weekend.

---

**From:** Leone, Gerard (NOR)

**Sent:** Friday, October 19, 2012 08:02 PM

**To:** Walker, Jodi (NOR); NOR-DL-SENIOR LEADERSHIP TEAM

**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Irwin, Chris (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: Dookhan Superior Court Special Session

Thank you Jodi.

Thanks to you and Marian and Chris for all the work you are putting into making this process run as smoothly as possible.

Have a good weekend all.

---

**From:** Walker, Jodi (NOR)

**Sent:** Friday, October 19, 2012 07:07 PM

**To:** NOR-DL-SENIOR LEADERSHIP TEAM

**Cc:** Leone, Gerard (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Irwin, Chris (NOR); Ramasci, Michelle (NOR)

**Subject:** Dookhan Superior Court Special Session

Hi all – Just an FYI. Attached for your reference is the list of the Middlesex Superior Court cases that will be in the Dookhan Special Session next week in Woburn. Marian and I will be handling the cases, but we wanted to make sure you knew what cases were on the list from your regions and areas. Thank you again all for your help.

Have a nice weekend –

Jodi

*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

(T) 

(F) 

[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

**Archived:** Tuesday, March 12, 2019 10:47:06 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: Dookhan Superior Court Special Session  
**Sensitivity:** Normal

---

Until she can join, you and Marian to run the session?

---

**From:** Walker, Jodi (NOR)  
**Sent:** Sunday, October 21, 2012 07:32 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: Dookhan Superior Court Special Session

MB joined our prep session on Friday and has a trial starting soon (this week? next week?). She said she expects to be able to watch the session on Thursday.

Sent from my iPhone

On Oct 21, 2012, at 7:21 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Where are we on MB Long, and a plan to handle the S. Ct. Session?

---

**From:** Walker, Jodi (NOR)  
**Sent:** Friday, October 19, 2012 07:07 PM  
**To:** NOR-DL-SENIOR LEADERSHIP TEAM  
**Cc:** Leone, Gerard (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Irwin, Chris (NOR); Ramasci, Michelle (NOR)  
**Subject:** Dookhan Superior Court Special Session

Hi all – Just an FYI. Attached for your reference is the list of the Middlesex Superior Court cases that will be in the Dookhan Special Session next week in Woburn. Marian and I will be handling the cases, but we wanted to make sure you knew what cases were on the list from your regions and areas. Thank you again all for your help.

Have a nice weekend –  
Jodi

*Jodi Walker*  
*Legal Counsel to District Attorney Gerry Leone*  
*Middlesex District Attorney's Office*  
*15 Commonwealth Avenue*  
*Woburn, MA 01801*  
(T)   
(F)   
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

**Archived:** Tuesday, March 12, 2019 10:47:08 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Cc:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** JP Lab MDAO Cases: Morning Office Clips: October 23, 2012  
**Sensitivity:** Normal

---

Good job.

Thanks.

An example of a case where we get more time and do an assessment, rather than a NP or resolution.



Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

[www.middlesexda.com](http://www.middlesexda.com)

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Lowell man held on \$75,000 on drug case possibly tainted by lab scandal

By Lisa Redmond, The Lowell Sun, October 23, 2012 [lowellsun.com](http://www.lowellsun.com)

[http://www.lowellsun.com/local/ci\\_21834526/lowell-man-held-75-000-drug-case-possibly](http://www.lowellsun.com/local/ci_21834526/lowell-man-held-75-000-drug-case-possibly)

- WOBURN -- Although asking that Christopher Koziol's drug sentence be put on hold due to possible tainting of drug samples by former state chemist Annie Dookhan, prosecutors Monday weren't going to make it easy for the Lowell man to get released.
- During the first day of a weeklong series of drug-lab hearings that began Monday, prosecutor Marian Ryan agreed to "stay" or put on hold the remaining three years of Koziol's eight- to nine-year state-prison sentence for a 2008 conviction for a Lowell arrest for possession of cocaine with intent to distribute.
- Koziol, then 36, was arrested by Lowell police on May 20, 2007, when he was caught with heroin and cocaine during a traffic stop on the Lord Overpass in Lowell.
- Ryan told Hogan that Koziol has 41 prior convictions, including arrests for armed assault, assault and battery, possession of cocaine and distribution of heroin.
- Given the Lowell man's "horrendous record of violent crimes," Ryan initially sought \$50,000 cash bail for Koziol's release. She raised her cash bail request to \$150,000 after learning that before Koziol's 2008 trial he violated his release with a new arrest.
- "This defendant clearly presents a threat," Ryan said. Although prosecutors have been "forced" into seeking a stay of his sentence due to Dookhan's alleged actions, "it does not change the threat he presents."
- Even if prosecutors can't proceed against Koziol due to the tainted evidence in the case, the DA's office can still prosecute Koziol on several District Court cases in which it is unlikely Dookhan did the drug analysis, Ryan said.



- But defense attorney Richard Farrell argued for \$1,000 cash bail, noting Koziol has served most of his sentence on the current drug conviction. As for the other cases, Farrell said, Koziol has "significant defenses."
- Hogan set Koziol's bail at \$75,000 with conditions if he should post bail that he wear a GPS monitoring device, remain under house arrest, remain drug free and submit to random drug screens.
- Hogan noted that the stay of Koziol's sentence doesn't begin until he posts bail.
- But from the otherside of the video camera, Koziol demanded to go to trial today tues. Hogan told Koziol that he can't have a new trial until his conviction is overturned.
- The other Lowell-area case heard:
- Ikbal Rodriguez, of Nashua, N.H. was arrested in a cooperative effort between Lowell and Tewksbury police for cocaine possession. He sentenced to 2 1/2 to four years in state prison in 2010 for possession with intent to distribute. Since Dookhan was the primary chemist in this case, Ryan dropped the superior court case.
- Prosecutors and defense attorneys across the state are reviewing 1,140 cases of those serving sentences based on potentially tainted evidence.
- Koziol's case is one of several dozen Middlesex County drug cases -- a handful of those are Lowell-area cases -- on the current list for possible review. Other Lowell-area cases are scheduled to be heard throughout the week.
- State police say Dookhan handled more than 60,000 samples involving 34,000 drug cases statewide during her nine-year tenure at the Hinton lab in Jamaica Plain. She resident in March during an internal investigation by the state Department of Public Health, which ran the lab until the state police took over on July 1 as part of a budget directive.
- The Middlesex District Attorney's Office used the Hinton lab in Jamaica Plain from 2003 to 2009 before sending its drug samples to the State Police lab in Sudbury.
- In each of the six drug-lab cases heard Monday, either through video conference from jail/prison or with inmates brought into court, Ryan noted that Dookhan's alleged malfeasance and lack of supervision by the lab's management created this problem.
- The Middlesex District Attorney's Office agreed out of fairness to those inmates who may have been convicted with tainted evidence to stay their sentences pending hearings to vacate their convictions.

**Archived:** Tuesday, March 12, 2019 10:47:13 AM  
**From:** Ryan, Marian (NOR)  
**Sent:** Mon, 22 Oct 2012 21:36:05  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Disk #6 from DPH Lab Working Room  
**Sensitivity:** Normal

---

Thx

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, October 22, 2012 08:27 PM  
**To:** Maguire, Tara (DAA)  
**Cc:** 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ryan, Marian (NOR)  
**Subject:** Re: Disk #6 from DPH Lab Working Room

Thanks Tara.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, October 22, 2012 05:15 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Disk #6 from DPH Lab Working Room

To the DAs,

At today's "David Meier" meeting, David handed out "Disk No. 6." This disk contains the following 4 lists:

- Individuals who are presently being held in custody on bail awaiting trial on a drug case in which Annie Dookhan was the primary or secondary chemist.
- The names of **all** juveniles who were previously committed to DYS from 2003 to the present on a 94C drug case, as well as the potential names and personal identifying information of juveniles who were previously committed to DYS from 2003 – present on a 94C case in which Annie Dookhan was the primary or secondary chemist.
- Individuals who are presently on parole on a 94C drug case in which Annie Dookhan was the primary or secondary chemist.
- Individuals who are presently serving a sentence in the state prison on a case that includes a non-governing 94C drug charge in which Annie Dookhan was the primary or secondary chemist.

Unless you tell me otherwise, I will mail your disk and accompanying letter from David Meier to you tomorrow morning. (Norfolk and Suffolk had representatives at the meeting and have their disks.)

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 10:47:16 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'Lavallee, Kenneth'  
**Cc:** Webb, Jonathan; Latham, James  
**Bcc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** RE: Lab Report 2006 - 2009  
**Sensitivity:** Normal

---

Thank Ken.  
I will forward this to Jodi Walker and Marian Ryan - who are serving as our POCs for now.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----  
From: Lavallee, Kenneth [<mailto:KLavallee@lowellma.gov>]  
Sent: Tuesday, October 23, 2012 12:18 PM  
To: Leone, Gerard (NOR)  
Cc: Webb, Jonathan; Latham, James  
Subject: FW: Lab Report 2006 - 2009

Gerry, this is just a sampling of our cases tested by Annie Dookhan at JP. When the audit is complete I will forward it to you. I expect it will take several more weeks to complete. Thanks, Ken.

-----Original Message-----  
From: Pouliot, Gail  
Sent: Tuesday, October 23, 2012 12:02 PM  
To: Lavallee, Kenneth  
Subject: Lab Report 2006 - 2009

The attached document has been entered into doc-star this date.  
1 document(s) attached.

**Archived:** Tuesday, March 12, 2019 10:47:17 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR); Long, MaryBeth (NOR); Stevens, Bethany (NOR); Irwin, Chris (NOR); Guyotte, Stephanie (NOR)

**Subject:** RE: Superior Court Session Today - Results on Today's Case

**Sensitivity:** Normal

---

Thank you.

As with [REDACTED] in the attached, and possibly others, Conspiracy may be a viable alternative after needing to NP pending charges, where the actual drugs are not necessary to prove the "agreement" to violate the CSL's, but that route would be a great exception – saved for certain types of serious violent and /or repeat offenders and/or very serious offenses.

---

**From:** Walker, Jodi (NOR)

**Sent:** Tuesday, October 23, 2012 5:04 PM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR); Long, MaryBeth (NOR); Stevens, Bethany (NOR); Irwin, Chris (NOR); Guyotte, Stephanie (NOR)

**Subject:** Superior Court Session Today - Results on Today's Case

Attached for review is the list of the Superior Court cases on in the Dookhan special session the last two days. Pages 1-3 of the attached document include the results from yesterday's 7 cases. Pages 4-5 include the results of the 5 cases that were on today (2 of which were NPs.)

We are preparing the recommendations for the cases on the list Thursday and Friday of the week, and will circulate for input / review when we are ready, likely tonight or tomorrow.

We are also preparing a pleading, the C/W's Assent to the Defendant's Motion to Stay, at the request of the Court today, to file in the cases where the C/W has taken – and will take - this position. This pleading will largely consist of the same language as used in the NP, and we will circulate that for comment.

Let me know if you have any questions –

Thanks again,

jlw

*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

(T) [REDACTED]

(F) [REDACTED]

[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

**Archived:** Tuesday, March 12, 2019 10:47:20 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR); Long, MaryBeth (NOR); Stevens, Bethany (NOR); Irwin, Chris (NOR); Guyotte, Stephanie (NOR)

**Subject:** Re: Superior Court Session Today - Results on Today's Case

**Sensitivity:** Normal

---

Let me know what you need me to do, and when.

Thank you.

---

**From:** Walker, Jodi (NOR)

**Sent:** Tuesday, October 23, 2012 05:03 PM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR); Long, MaryBeth (NOR); Stevens, Bethany (NOR); Irwin, Chris (NOR); Guyotte, Stephanie (NOR)

**Subject:** Superior Court Session Today - Results on Today's Case

Attached for review is the list of the Superior Court cases on in the Dookhan special session the last two days. Pages 1-3 of the attached document include the results from yesterday's 7 cases. Pages 4-5 include the results of the 5 cases that were on today (2 of which were NPs.)

We are preparing the recommendations for the cases on the list Thursday and Friday of the week, and will circulate for input / review when we are ready, likely tonight or tomorrow.

We are also preparing a pleading, the C/W's Assent to the Defendant's Motion to Stay, at the request of the Court today, to file in the cases where the C/W has taken – and will take - this position. This pleading will largely consist of the same language as used in the NP, and we will circulate that for comment.

Let me know if you have any questions –

Thanks again,

jlw

*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

(T) 

(F) 

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**Archived:** Tuesday, March 12, 2019 10:47:23 AM

**From:** Leone, Gerard (NOR)

**To:** Early, Joseph (MID); Conley, Daniel (SUF); Blodgett, Jonathan (EAS); Leone, Gerard (NOR); Cruz, Timothy (PLY); OKeefe, Michael (CPI)

**Subject:** JP Lab, NDAO ADA & AD

**Sensitivity:** Normal

---

Thanks Mike.

Also, see Segal's article in MLW this week.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

## **MATT CONNOLLY: Innocent victim of state drug lab scandal**

**By Matt Connolly, Patriot Ledger**

- I wrote about Annie Dookhan a while ago suggesting the events surrounding her were going to result in great cost and aggravation to Massachusetts.
- I urged those involved in the justice system to start doing something about the mess she created with her shenanigans in the drug laboratory.
- I noted with irony how the DPH Commissioner Auerbach announced the buck stopped with him but then went things heated up he quickly threw in all his underlings into the fire as he scampered off to another job.
- I'd hoped I was through with Annie and the justice system would pick up the ball and run with it. That seems to have happened.
- Yesterday, however, I read in the Boston Globe that Annie "carried on an unauthorized, sometimes personal, e-mail and phone correspondence with a prosecutor [George Papachristos] whose drug evidence she analyzed."
- In the same article I read that the director of the ACLU in Massachusetts, Matthew R. Segal, is said to have "asked Attorney General Martha Coakley and the district attorneys to agree to throw out all drug cases 'involving a police officer or prosecutor who, at any time, communicated directly with Annie Dookhan.'" Then, later in the day, the prosecutor Papachristos resigned and the DA Michael Morrissey accepted his resignation.
- I don't know where to begin but let me try. There is not one scintilla of evidence that Papachristos did anything wrong that I have seen. I don't know where the Globe gets off labeling his activities as "unauthorized." I wonder "unauthorized by whom?" It would be nice if the Globe was more specific.
- Segal's suggestion seems to be from a person unfamiliar with trying cases. Every prosecutor or police officer who has had a case with Annie had direct contact with her when she came to court to give evidence. They also have direct contest with

every other expert witness in Massachusetts who comes in to testify. You see, to be a good prosecutor, you have to talk to your witnesses before you put them on the stand. Sometime you have to call them prior to trial to discuss their opinions or to make sure they are available. Usually with an expert witness, you will go to the person's office and discuss the case with him. Defense lawyers also do this. it's what you do to get ready for trial.

- I did it. I'm reminded of this great chemist and wonderful man who worked for the state police named Frank Hankard of Weymouth. (I had not thought of Frank for 20 years until I started writing about dealing with expert witnesses. I just Googled him. I saw he died this past August which saddens me.) I became friendly with Frank because I was doing all the arson cases in the office at a time when a lot of arsons were happening. He was one of the best witnesses I ever had. He taught me many things about arsons that made me into a better prosecutor. Neither he nor I would ever think of altering the evidence because of our friendly relationship.
- There is nothing wrong with a prosecutor being friendly or having a relationship with a witness. It is quite common for prosecutors to socialize with witnesses who will testify. They are on very friendly relationships with the investigators and detectives with whom they work or other police officers with whom they deal on a daily basis. It is the nature of the job to develop these friendships and to go out and have a couple of beers, play sports, or otherwise spend time with people who work with them and will be witnesses.
- I'm sure no one is surprised at this. But what you are all thinking is "yes, of course that is all right, but you can't let your friendship interfere with your job." You're absolutely right. As long as it does not affect the evidence that the prosecutor will present to the court discussions with witnesses and even socializing with them is fine.
- What isn't proper is if in any way the evidence will be altered or tainted or spun in the slightest bit because of the relationship.
- We all understand this. All prosecutors should play everything straight and have no agendas. They should strive to be fair and honest at all times while trying the case hard to the best of his or her ability.
- That brings me to Papachristos's resignation. That is a big mystery to me. Now I don't know anything more than the rest of you know about this incident other than what we read in the newspapers. It seems to me that Papachristos should not have resigned if he did nothing wrong with Annie as it relates to the evidence. If he had a personal relationship with her, of whatever kind, that is not a reason why he should resign. If he handled his job in an upright and honest manner he should still have it.
- He said he was resigning because he had become a distraction. He was no more a distraction than you or I. Sure, the Globe put out a story suggesting things but never suggested Papachristos did not do his job or that he had somehow affected the ongoing investigations or actions that are being taken against Annie. The Norfolk DA's office is not prosecuting her. I just don't see where he is a distraction.
- If what we've read is all we know, then DA Morrissey should not have accepted his resignation. He should stand by his man and support him during this tough time. He should not have allowed a newspaper with vague and speculative allegations and secret agenda to chase him out of a job. Having him leave the office makes it look like more is involved here.
- If there is more to this, if Papachristos was working with Annie to taint or alter the evidence, which I strongly doubt, then he should not have been allowed to resign. He should have been fired and then prosecuted. If Papachristos misrepresented to Morrissey his relationship with Annie then the resignation is the right remedy even though there would be nothing wrong with such a relationship. You can't deceive the boss.

- But all I've read tells me he is being chased out because the Globe made much ado about nothing. I hope that is not the case.

-----Original Message-----

From: DA Michael OKeefe [mailto:damichael.okeefe@gmail.com]

Sent: Tuesday, October 23, 2012 5:30 PM

To: Leone, Gerard (NOR); Blodgett, Jonathan (EAS); Early, Joseph (MID); Cruz, Timothy (PLY); Conley, Daniel (SUF)

Subject: I thought you should see this story

MATT CONNOLLY: Innocent victim of state drug lab scandal

[http://m.patriotledger.com/patledger/pm\\_29490/contentdetail.htm?](http://m.patriotledger.com/patledger/pm_29490/contentdetail.htm?)

one



**Archived:** Tuesday, March 12, 2019 10:47:32 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR); Ellis, Sarah (NOR)  
**Cc:** Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); 'marybeth.long@state.ma.us'  
**Subject:** Re: F/U Camb. D.Ct. case today  
**Sensitivity:** Normal

---

Thx  
The clarity around the request for T&C's and the rejection of them - is important.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Wednesday, October 24, 2012 03:57 PM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Cc: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); 'marybeth.long@state.ma.us' <marybeth.long@state.ma.us>  
Subject: RE: F/U Camb. D.Ct. case today

I made a clear record orally as to why we assented and the basis for our bail request, paraphrasing the NP that we have been filing and consistent with what we have been putting on the record in Sup. Ct. I will also file tomorrow our written assent to the stay (which is a version of the NP) that Pam and I reviewed today.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, October 24, 2012 3:54 PM  
To: Walker, Jodi (NOR); Ellis, Sarah (NOR)  
Cc: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
Subject: Re: F/U Camb. D.Ct. case today

Thanks.  
The record is clear? And documented?

----- Original Message -----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Wednesday, October 24, 2012 03:53 PM  
To: Ellis, Sarah (NOR)  
Cc: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Leone, Gerard (NOR)  
Subject: F/U Camb. D.Ct. case today

Just an update to close the loop on this case in Camb. District Court today - C/W's request for cash bail and conditions, including GPS and proof of residence for this homeless defendant was denied. D (level 2 sex offender, admittedly homeless) released on PR with condition to register. D has served virtually all of his sentence, as a note. Matter put over for status in next Camb. D.Ct. session. Sgt. from the Middlesex Sheriff's office was here to facilitate D's release and to have D sign SORB documents. Sgt. relayed to me that Boston PD (city where D is homeless) has been and/or will be advised by Sheriff's department as to his release and SO status. I will advise Cambridge PD, as this was there case. They were aware of his potential custody change today.

Thanks -  
jlw

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, October 24, 2012 9:40 AM  
To: Walker, Jodi (NOR)  
Cc: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: AD Camb. District Court Case; Today (10/24)

Ok, your proposed approach is fine, thx

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Wednesday, October 24, 2012 09:34 AM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: RE: AD Camb. District Court Case; Today (10/24)

Potentially, circumstantially as D makes statements that he has "white" and the circumstances of his hand-to-hand sale to the UC support the inference it is in fact coke. Certainly, this case does not stand out from the masses on the strength of its facts, but we wanted to proceed slowly on this one and take a good look again as D is a level two sex offender who is homeless.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, October 24, 2012 9:31 AM  
To: Walker, Jodi (NOR)  
Cc: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: AD Camb. District Court Case; Today (10/24)

Can we proceed with a prosecution in this AD JP Lab Drug case?

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Wednesday, October 24, 2012 09:28 AM  
To: Leone, Gerard (NOR)  
Cc: Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: AD Camb. District Court Case; Today (10/24)

Morning, Gerry - I've discussed this D. Ct. case - which is on today - with Marian and Pam (Sarah is in court watching a trial) this AM. Our recommendation is to continue to argue bail, as we did last week. Details below, if you should need them. This is the sex offender defendant in the Sheriff's custody.

Thank you -

\*\*\*\*\*

Defendant: [REDACTED]

Cambridge D.Ct. - Today 10/24/2012 2:00 p.m.

Case history: DC has filed a Motion to Stay the Execution of D's sentence and a Motion to Vacate the his Guilty Plea. The case was called in Cambridge D. Ct. on 10/3, but was continued by the Court until 10/15 for the first, abbreviated Dookhan session in Cambridge District before Judge Sragow. Last week on 10/15, the Court heard arguments on bail, but as the Defendant was not able to provide the address he would live it, in the event he was bailed, the matter was continued until today 10/24. As a note, the defendant has been parole eligible, but his failure to provide an address has prohibited him from getting out.

Sentence: COP on 6/14/2011 to (1) Distribution of Coke (1 bag); and (2) SZ, and he is serving a sentence of

2 yrs. and 1 day HOC, with agreed to parole eligibility.

Role of AD: Confirmatory chemist (primary chemist had previously left the JP Lab); necessary witness

Facts: 2009 case. Hand-to-hand buy; drugs were field tested; statement as to selling "white"

Police: Cambridge PD (notified)

BOP / Violence: Some violent offenses; most notably committed time on Indecent A&B in 2009; many dismissed. LEVEL 2 SEX OFFENDER; has been eligible for release from Billerica since 6/18/12

Recommendation: Agree to the stay and continue to argue bail, original cash with GPS conditional upon providing an address, especially in light of D's SO status and his reported HOMELESSNESS to the Sheriff's Dept.

**Archived:** Tuesday, March 12, 2019 10:47:35 AM

**From:** Leone, Gerard (NOR)

**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'

**Cc:** 'gerard.leone@state.ma.us'

**Subject:** JP Lab Funding

**Sensitivity:** Normal

---

---

**From:** Maguire, Tara (DAA)

**Sent:** Wednesday, October 24, 2012 06:19 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** Lab Funding

#### PATRICK TO SEEK FUNDING FROM LEGISLATURE NEXT WEEK FOR DRUG LAB FALLOUT

With multiple investigations and court proceedings ongoing to deal with the fallout from alleged evidence tampering at a state drug lab, the Patrick administration next week plans to file a budget request with the Legislature "seeking interim funding sufficient to cover costs related to the crime lab for at least the next few months." Administration and Finance Secretary Jay Gonzalez said late Wednesday that several state agencies and municipalities have requested "significant amounts of funding," but the administration could not immediately put a dollar amount on the request. Gonzalez had previously asked agencies such as the Committee for Public Counsel Services and the county district attorneys to respond by Wednesday with estimates of the additional funding that would be required to deal with the repercussions of indicted chemist Annie Dookhan's mishandling of drug evidence at the Department of Public Health's Hinton Laboratory in Jamaica Plain. In a statement, Gonzalez said not all impacted agencies or municipalities responded, and some failed to provide "sufficient supporting information" for the administration to assess their requests. Still, Gonzalez said the governor would be filing a supplemental budget request next week that should cover expenses for a few months with future additional funding requests possible. "A&F will continue to work with agencies and municipalities to further understand and evaluate their funding requests to ensure that any future funding needs are addressed in an effective and responsible manner," Gonzalez said. The administration will ask that the money be appropriated to a reserve under Gonzalez's control so that the administration could make transfers to various state agencies and ensure the funding goes toward costs associated with the lab. "The Governor is committed to addressing the costs associated with the crime lab in order to ensure justice and public safety in an effective and responsible manner," Gonzalez said. Though the exact costs are still unknown, Boston Mayor Thomas Menino alone has requested \$15 million from the state to pay for additional police and oversight of released inmates as a result of Dookhan's actions. – M. Murphy/SHNS

**Archived:** Tuesday, March 12, 2019 10:47:47 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** Re: LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB  
**Sensitivity:** Normal

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One had to know it would devolve into this. It's gonna end up where we said from the beginning! With the DAOs, while they form blue ribbon panels.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, October 24, 2012 11:35 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB

OMG-pretty shameless pandering on both sides!!.....and to what end, JP is pretty cooked already!

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, October 24, 2012 08:11 PM  
**To:** Pelgro, Michael (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB

More of the same in the legal world.

---

**From:** Pelgro, Michael (NOR)  
**Sent:** Wednesday, October 24, 2012 08:07 PM  
**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** RE: LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB

Like Paul Ware with Probation.

BBA did not sign off on this letter. No request made of BBA Criminal Law Section to consider it.



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, October 24, 2012 7:56 PM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** Fw: LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB

Fyi

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, October 24, 2012 05:46 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB

DAs,

Below please find a State House News article reporting that CPCS, the MBA, and the ACLU sent the AG a letter urging an "independent review" of the Hinton Lab. Attached please find the letter the article references.

Thanks,  
Tara

---

**From:** State House News Service [mailto:news@statehousenews.com]  
**Sent:** Wednesday, October 24, 2012 5:38 PM  
**To:** news@statehousenews.com  
**Subject:** LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB

## LEGAL GROUPS WANT INDEPENDENT INVESTIGATOR TO EXAMINE DRUG LAB

By Matt Murphy and Michael Norton  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, OCT. 24, 2012.....Citing conflicts of interest for Attorney General Martha Coakley's office, three major legal organizations on Wednesday called for an independent investigator to be named to conduct a broader look into the state drug lab where evidence tampering has cast doubt on the outcomes of thousands of criminal cases.

In a letter to Coakley, senior officials from the Massachusetts Bar Association, the Committee for Public Counsel Services and the American Civil Liberties Union expressed concern over Coakley's office conducting an investigation into the drug lab, noting that the attorney general's office prosecutes drug cases, supports the State Police unit that investigates drug cases and also supports drug prosecutions brought by county district attorneys.

"We urge that responsibility for this extraordinarily important investigation not be undertaken by the Office of the Attorney General," officials representing the three groups wrote in a letter delivered to Coakley's office Wednesday. "Instead, we urge you to appoint, or call for the appointment of, an independent investigator unencumbered by this potential conflict of interest, with complete control over the investigation's scope, taking it wherever the facts lead."

Coakley's office said it shared their concerns over having a "thorough, fair investigation," but did not indicate whether the attorney general would support or oppose the appointment of an independent investigator. A spokesman said Coakley was "surprised" by the letter and would review it.

The groups, as well as attorney Max Stern, added that they hoped an independent investigator would be "given all resources, including subpoena power, to fully and thoroughly do the job."

"Only a truly independent investigation will restore the public's confidence in the integrity of the criminal justice system which has been profoundly shaken by this crisis," Mass. Bar Association chief legal counsel Martin Healy, Committee for Public Counsel Services chief legal counsel Anthony Benedetti and American Civil Liberties Union of Massachusetts legal director Matthew Segal wrote in the letter.

Coakley's office, in a statement, said it was through its criminal investigation that the scope of the problems at the lab were first uncovered, and that all stakeholders were immediately notified.

"We are surprised by today's letter and press release after we have been working for weeks with defense counsel to establish a protocol to ensure a fair, complete and transparent investigation into those broader issues at the lab. We are reviewing that letter. All of our goals are the same - to ensure a thorough, fair investigation that will ultimately restore trust in our criminal justice system," said Brad Puffer, a spokesman for Coakley.

The attorneys also expressed concern that the Attorney General's Office would have a conflict of interest when examining whether chemist Annie Dookhan had inappropriate communications with a Norfolk County prosecutor. George Papachristos, an assistant district attorney in Norfolk County, resigned following media reports of his unauthorized contact with Dookhan, and the groups said they were worried about the difficulties Coakley's office would face investigating another prosecutorial agency.

Coakley's office is conducting a criminal investigation and a broader probe, at the request of the Patrick administration, into the drug analysis unit at the Hinton Laboratory in Jamaica Plain. Dookhan has been charged already been charged with falsifying her resume and two counts of obstruction of justice as a result of the ongoing investigation.

In a letter to district attorneys in late September, Coakley's office indicated that the broader probe would be led by Helene Kazanjian, chief of the Trial Division and a former federal prosecutor, and independent forensic experts would be retained to "conduct an assessment of the reliability of the testing results."

Patrick's office declined to comment beyond what Puffer said in his statement.

According to police documents released by Coakley's office to prosecutors and defense attorneys, Dookhan has admitted to tampering with drug evidence samples, sometimes adding quantities of known drugs to produce false positive test results.

The administration has identified 34,000 cases over the past nine years that Dookhan had a hand in testing drug samples and could have been tainted. The list of cases includes 1,141 current inmates identified by attorney David Meier, who has been tapped by Gov. Deval Patrick to lead a review of the impacted cases, as well as 35 individuals being held on bail awaiting trial in either district or superior court, 144 people on parole after serving time and being released, and 319 individuals who were once, but are no longer, under the court-ordered supervision of the Department of Youth Services.

The Trial Court has set up special sessions in multiple counties across the state to hear appeals to those convictions, and dozens of inmates have already been released on bail or other preconditions as a result of having their drug convictions based on Dookhan's testing or testimony in court.

Boston Mayor Thomas Menino, who has pledged to put more cops on the streets in city neighborhoods to protect against released felons reoffending, has also set up special teams with the Suffolk County District Attorney's Office to monitor released prisoners and work with them to access reentry services. Menino has asked the state for \$15 million to pay for the increase overtime and personnel costs.

Administration and Finance Secretary Jay Gonzalez on Wednesday said the administration planned to file a supplemental budget request with the Legislature next week to cover the costs of various agencies related to the crime lab "for at least the next few months."

While the majority of affected cases are in Suffolk County, Bristol County District Attorney Sam Sutter announced Wednesday the formation of a new unit in his office to deal with the fallout from the lab problems.

The new unit will be led by Assistant District Attorney Patrick Bromberg, who will be assisted by Assistant District Attorney Robert Kidd. Sutter said more than 4,000 Bristol County drug cases could be impacted, and his office could need additional financial resources to deal with the increased caseload.

"I remain very concerned about the drain on our resources this massive problem is creating. I am taking two of my best lawyers and, eventually, several other people from within our office away from the cases, investigations and other prosecutorial matters they have been working on, and reassigning them to deal with the fallout from this grave situation. I need additional resources to fill in the gaps left behind. I trust that the governor and legislature see the urgency here, and I believe they do," Sutter said in a statement.

-END-

10/24/2012

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**Archived:** Tuesday, March 12, 2019 10:48:09 AM

**From:** Leone, Gerard (NOR)

**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR) (Jodi.Walker@MassMail.State.MA.US)

**Cc:** Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US)

**Subject:** JP Lab Costs/Resources: Top judge says courts need \$13.6M to deal with 136,000 cases potentially tied to Annie Dookhan - The Boston Globe

**Sensitivity:** Normal

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Based on the statements that are attributed to the Governor and A&F Secretary Gonzales, and based on where we are now and what we have learned, we should drill down on what our real needs are, and justify them with real dollar amounts. The last exercise was for MDAA purposes, this one is for us.

For internal use only for now.

This should not be a labor intensive exercise - just articulating in more detail what we believe we need to deal with this, and attaching dollar amounts to it.

Keep in mind that we want these resources and corresponding dollar amounts to be built into our base budget, otherwise we will be hiring and taking on staff and resources without the ability to sustain their costs.

-----Original Message-----

From: gerard.leone@state.ma.us [<mailto:r-1899976-7924-043AB522806049D38DBA68ABCC9F8891@bcast.boston.com>]

Sent: Saturday, October 27, 2012 10:03 AM

To: Leone, Gerard (NOR)

Subject: Top judge says courts need \$13.6M to deal with 136,000 cases potentially tied to Annie Dookhan - The Boston Globe

---

The following appeared on Bostonglobe.com:

Headline: Top judge says courts need \$13.6M to deal with 136,000 cases potentially tied to Annie Dookhan - The Boston Globe

Date: Oct 27, 2012

In its first detailed tally of the impact of the drug lab controversy, the state's judiciary said it needs \$13.6 million to deal with a wave of potentially 136,000 criminal cases that the chemist at the heart of the scandal may have handled during her nine years working for the state. In a letter sent to the Patrick administration on Wednesday, Judge Robert Mulligan and Court Administrator Harry Spence said the funds requested would pay for 18 months of litigation.

[http://www.bostonglobe.com/metro/2012/10/25/top-judge-says-courts-need-deal-with-cases-potentially-tied-annie-dookhan/HiFFQAUZwfeEbAIA21dmzM/story.html?s\\_campaign=8315](http://www.bostonglobe.com/metro/2012/10/25/top-judge-says-courts-need-deal-with-cases-potentially-tied-annie-dookhan/HiFFQAUZwfeEbAIA21dmzM/story.html?s_campaign=8315)

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**Archived:** Tuesday, March 12, 2019 10:48:11 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** Re: JP lab stories

**Sensitivity:** Normal

---

Good job on [REDACTED] Marian

---

**From:** Guyotte, Stephanie (NOR)

**Sent:** Friday, October 26, 2012 09:41 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Subject:** JP lab stories

### City man's drug case tossed out

By Lisa Redmond, Lowell Sun, October 26, 2012

[http://www.lowellsun.com/local/ci\\_21860717/city-mans-drug-case-tossed-out](http://www.lowellsun.com/local/ci_21860717/city-mans-drug-case-tossed-out)

- WOBURN -- After serving less than one-third of a prison sentence for heroin possession, a 42-year-old Lowell man will walk out of state prison and into jail.
- Pedro Vega becomes the latest inmate in the drug cases that could have been potentially tainted by former state lab chemist Annie Dookhan.
- During the third day of the "drug-lab cases," Middlesex Superior Court Judge Maureen Hogan ordered Vega's guilty plea on possession of heroin with intent to distribute vacated.
- While Vega, who was sentenced in February, has served less than 10 months on his three-year state-prison sentence in the drug-possession case, he doesn't get away free.
- Ryan noted that Vega also pleaded guilty to assault and battery on a public employee for which he was sentenced to 2 1/2 years in the House of Correction in Billerica.
- Since that charge has nothing to do with Dookhan, Ryan said Vega will be moved from state prison to a jail cell and be given 10 months jail credit.
- Prosecutor Marian Ryan said Dookhan was the primary chemist who tested the drugs in this 2009 arrest in Lowell. Since Dookhan would be called on to testify at a new trial, Ryan said it is necessary to drop the charge.
- "The commonwealth is not doing this willingly," Ryan said. But she said to retry cases, the drug evidence must not be tainted.
- Due to Dookhan's alleged actions and the failure of the management of the Hinton Drug Lab in Jamaica Plain, the District Attorney's Office has found a number of cases have been compromised by tainted evidence, Ryan said.
- State police say Dookhan handled more than 60,000 samples involving 34,000 drug cases statewide during her nine-year tenure at the Hinton Lab. The Middlesex District Attorney's Office used the lab from 2003 to 2009, before sending its drug samples to the State Police Lab in Sudbury.
- A special group of prosecutors and defense attorneys have sifted through a preliminary 1,140 cases statewide where people are serving sentences potentially based on tainted drug samples.
- In this first round of hearings, defense attorneys are either releasing inmates due to tainted evidence or arguing bail pending hearings in November, when prosecutors can decide if they can retry the case.

### Costs climb in state drug lab scandal

\$13.6m court request pushes total sought beyond \$40m

By John R. Ellement, Boston Globe, October 26, 2012

<http://bostonglobe.com/metro/2012/10/25/top-judge-says-courts-need-deal-with-cases-potentially-tied-annie-dookhan/HiFFQAUZwfeEbAIA21dmzM/story.html>

- In its first detailed tally of the impact of the drug lab controversy, the state's judiciary said it needs \$13.6 million to deal with

legal challenges to as many as 136,000 criminal cases in which evidence was allegedly mishandled by a state drug lab chemist.

- In a letter sent to the Patrick administration Wednesday, Judge Robert Mulligan, the top judge for administration, and Court Administrator Harry Spence said the funds would pay for 18 months of litigation related to chemist Annie Dookhan's actions over nine years working for the Massachusetts Department of Public Health.
- The request pushes to more than \$40 million the total cost sought so far for the state to deal with the fallout of the Dookhan scandal.
- "The influx of drug lab cases will be extremely detrimental to meeting our clearance rate goals and disposing of cases within their time frame metrics," Mulligan said in a statement released to the Globe Thursday.
- The judiciary has already set up drug lab sessions in courthouses across the state. In its letter, the judiciary said it will need to hire retired judges to assist with the caseload, which could total 5,000 in superior court alone during the next 18 months.
- Mayor Thomas M. Menino has asked for \$15 million to deal with the aftermath of the scandal, including the release of drug dealers back into the community.
- In its letter, the judiciary also said it would use the money to hire 27 people in superior court, including three retired judges who would hear cases for \$220 a day, and to hire 48 assistant clerk magistrates, case specialists, and law clerks for the district and Boston Municipal Court.
- The plan also calls for hiring 18 probation officers and 14 associate probation officers.
- Mayor Thomas M. Menino has already asked for \$15 million to deal with the aftermath of the scandal, including the release of drug dealers back into the Boston community.
- Requests from the state's district attorneys are expected to exceed \$10 million, and a request for millions more is expected to come from the Committee on Public Counsel Services, which is providing defense attorneys for thousands of defendants affected by the drug lab scandal.
- Attorney General Martha Coakley is also seeking up to \$2 million for a sweeping inquiry into the lab's operations.
- Terrel Harris, a spokesman for the Executive Office of Public Safety, said the administration would not publicly reveal funding requests made by its constituent agencies, which include the State Police, the Department of Correction, and the Parole Board.
- He said the dollar amount sought by public safety agencies would be made public by the state's Executive Office of - Administration and Finance.
- Dookhan is accused of mishandling and manipulating drug evidence that may have helped convict hundreds of people or led them to plead guilty, during a Department of Public Health career that began in 2003 and ended earlier this year, after she resigned.
- The Patrick administration and Coakley initially contended that Dookhan's impact was limited to about 100 Norfolk County cases.
- But State Police assigned to Coakley's office discovered a far greater problem this summer and have alerted prosecutors that at least 34,000 criminal cases, involving 60,000 drug samples, may have been tainted.
- The court's estimate of 136,000 cases is based on the total number of drug cases the courts handled in which evidence was sent to the closed Jamaica Plain lab.
- Dookhan has pleaded not guilty to two counts of obstruction of justice and one count of falsifying her academic record. Dookhan, 34, the mother of a young son, is free on \$10,000 cash bail.
- Former homicide prosecutor David Meier has identified some 1,600 people serving sentences in state or county prison where Dookhan may have handled the seized contraband. He also said another 319 juveniles who were prosecuted for drug crimes had the evidence in their cases processed in the Jamaica Plain lab.
- All of the juveniles have finished their DYS commitments and are no longer in custody.
- In September, the Patrick administration set Oct. 24 as the deadline for government agencies to file a supplemental budget request related to the drug lab scandal. In a statement Wednesday, Secretary of Administration and Finance Jay Gonzalez said some state agencies and municipal governments have met the deadline.
- But Gonzalez, through a spokeswoman, refused to release individual requests that have been received by the deadline.
- Alex Zaroulis said Thursday that the administration will not release what the agencies have asked for until the data has been

reviewed. She said the administration's supplemental budget request, to be filed next week, will be publicly available.

- In the statement released Wednesday, Gonzalez said he will file a "a supplemental appropriations bill for the sole purpose of seeking interim funding sufficient to cover costs related to the crime lab for at least the next few months."
- Gonzalez would decide who gets the money once he gets "documented costs associated with the crime lab."
- He also said the agency will work with affected agencies to "ensure that any future funding needs are addressed in an effective and responsible manner."

**Archived:** Tuesday, March 12, 2019 10:48:16 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Long, MaryBeth (NOR); Ellis, Sarah (NOR)

**Cc:** Walker, Jodi (NOR)

**Subject:** Re: [REDACTED] (AD primary, pending case); Monday 10/29

**Sensitivity:** Normal

---

Ok.

Remember, the ADAs are asked to and are expected to provide all the facts that we ask for to assess the factors that we have discussed, and we make the decision regarding whether and ability to prosecute, and resolution short of prosecution.

Uniformity and Consistency.

Thanks

---

**From:** Ryan, Marian (NOR)

**Sent:** Monday, October 29, 2012 08:35 AM

**To:** Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Long, MaryBeth (NOR); Ellis, Sarah (NOR)

**Cc:** Walker, Jodi (NOR); Leone, Gerard (NOR)

**Subject:** FW: [REDACTED] (AD primary, pending case); Monday 10/29

Checked w Rubin. This pending case should be a NP-on for today, but likely won't happen b/c of storm.

---

**From:** Walker, Jodi (NOR)

**Sent:** Monday, October 29, 2012 8:33 AM

**To:** Ryan, Marian (NOR)

**Subject:** Fwd: [REDACTED] (AD primary, pending case); Monday 10/29

Sent from my iPhone

Begin forwarded message:

**From:** "Wechsler, Pamela (NOR)" <[Pamela.Wechsler@MassMail.State.MA.US](mailto:Pamela.Wechsler@MassMail.State.MA.US)>

**Date:** October 27, 2012, 8:58:00 AM EDT

**To:** "Ryan, Marian (NOR)" <[Marian.Ryan@MassMail.State.MA.US](mailto:Marian.Ryan@MassMail.State.MA.US)>, "Walker, Jodi (NOR)" <[Jodi.Walker@MassMail.State.MA.US](mailto:Jodi.Walker@MassMail.State.MA.US)>

**Cc:** "Pelgro, Michael (NOR)" <[Michael.Pelgro@MassMail.State.MA.US](mailto:Michael.Pelgro@MassMail.State.MA.US)>, "Ellis, Sarah (NOR)" <[Sarah.Ellis@MassMail.State.MA.US](mailto:Sarah.Ellis@MassMail.State.MA.US)>

**Subject:** RE: [REDACTED] (AD primary, pending case); Monday 10/29

Thanks.

---

From: Ryan, Marian (NOR)

Sent: Saturday, October 27, 2012 8:57 AM

To: Wechsler, Pamela (NOR); Walker, Jodi (NOR)

Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR)

Subject: Re: [REDACTED] (AD primary, pending case); Monday 10/29

I agree-I can get back to Dave and make sure that there's nothing else to consider-

----- Original Message -----

From: Wechsler, Pamela (NOR)

Sent: Saturday, October 27, 2012 08:30 AM

To: Walker, Jodi (NOR)

Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)

Subject: RE: [REDACTED] (AD primary, pending case); Monday 10/29

Is there any reason this shouldn't happen on the next date? Given Tarrant's case, it sounds like this is how we are starting to proceed. Thanks.

---

From: Walker, Jodi (NOR)

Sent: Saturday, October 27, 2012 8:29 AM

To: Wechsler, Pamela (NOR)

Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)

Subject: Re: [REDACTED] (AD primary, pending case); Monday 10/29

Yes, I agree.

Sent from my iPhone

On Oct 27, 2012, at 8:14 AM, "Wechsler, Pamela (NOR)" <[Pamela.Wechsler@MassMail.State.MA.US](mailto:Pamela.Wechsler@MassMail.State.MA.US)> wrote:

This sounds like it should be a nol pros. Agreed?

---

From: Rubin, David (NOR)

Sent: Friday, October 26, 2012 9:22 PM

To: Walker, Jodi (NOR)

Cc: Dunigan, Elizabeth (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)

Subject: RE: [REDACTED] (AD primary, pending case); Monday 10/29

Sure thing Jodi:

The case is on for a status date on Monday - the request for the date was based on DC's discovery motion relevant to lab protocols and the Dookhan investigation. I have provided the lab protocols, which I believe satisfy that part of the motion.

I also reported, as instructed, that we expected additional discovery to be forthcoming from the AG's office and that I would provide it as soon as I had it. It is my understanding we have yet to receive such discovery.

Defense council wants to know our intentions re: continuing with the prosecution of this case given the situation. I don't believe there is anyway to say for certain these drugs aren't tainted given the type of drugs they are and the level of involvement Dookhan had with them.

Defense council has not filed a motion to dismiss - are we waiting for motions to be filed to make the decision if we will continue prosecuting the case?

Let me know if you have any other questions about the case and what instructions you have for me for Monday.

Thanks,

Dave

---

From: Walker, Jodi (NOR)

Sent: Friday, October 26, 2012 6:25 PM

To: Rubin, David (NOR)

Cc: Dunigan, Elizabeth (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)

Subject: [REDACTED] (AD primary, pending case); Monday 10/29

Hi Dave - When you get a chance, can you give us an update on [REDACTED] (AD primary, pending case) on for Monday? Has DC filed a MTD? Or just a AD / JP Lab Discovery motion?

I am copying Mike and Pam on this email, as Marian and I are beginning to transfer supervision of the Sup. Ct. AD cases to them, and away from Marian and I.

In addition to the below email, and so that you don't have to type it all again, Dave, I know that this matter had a prior bail reduction, for which the C/W took no position (after you spoke to Marian and I) and bail was reduced to PR (?) or the original bail, and that the matter had another status date a week or so ago when you represented more discovery would be forth coming (and then you produced Discovery 3 protocols to DC.)

Thanks -

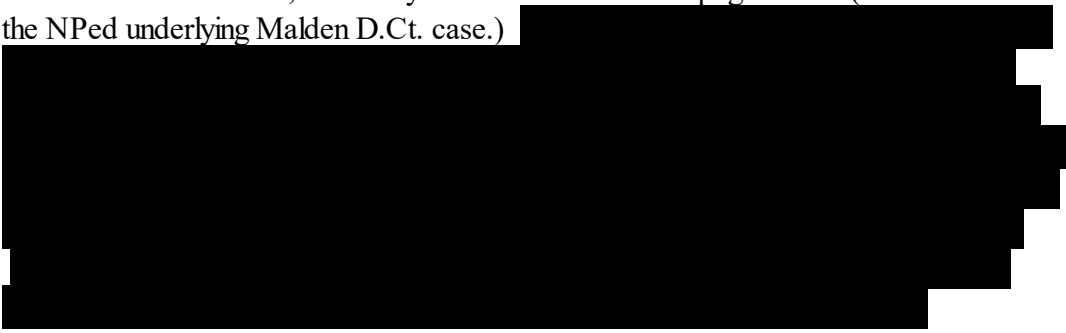
jlw

----- Original Message -----

Defendant is charged with 4 counts of drug charges only, PWI Subsequent x2 (Heroin) and Distribution Subsequent x2 (Cocaine) (consisting of hand-to-hand sales to UC on two occasions in 2009; per Dave, the MTS appears to be without merit.) Dookhan is the primary chemist for all the drugs in the case. There is no additional evidence of narcotics (e.g., no field testing, no admissions by defendant), but evidence of consciousness of guilt (e.g., false name, providing false RMV doc.). Defendant is facing a 5 yr. min/man on each count (or possibly now, 3 1/2 min/man under the new drug laws). The defendant had previously defaulted on this case on a 12/1/2010 COP date, where he was going to receive a BD to 2-2 1 day with probation from and after.

Defendant is currently being held on \$10K, a bail that was set when the defendant removed his default on our Middlesex case in April 2012. I've asked Dave to try and get clarity of whether DC is requesting a bail reduction to PR or to an amount D can post, to the extent that this latter figure is relevant.

As to Defendant's BOP, he is 33 yrs. old and has a 2 1/2 page BOP. (Most of that is the NPed underlying Malden D.Ct. case.)



**Archived:** Tuesday, March 12, 2019 10:48:20 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR)  
**Subject:** RE: CONFIDENTIAL & INTERNAL ONLY: Letter to Mo Cowan re: Hinton Lab Review  
**Sensitivity:** Normal

---

hence, my comments to my colleagues. Ugh!  
Two typos to the Chief Counsel the Governor - amateurish.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ellis, Sarah (NOR)  
**Sent:** Tuesday, October 30, 2012 3:28 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: CONFIDENTIAL & INTERNAL ONLY: Letter to Mo Cowan re: Hinton Lab Review

This letter is poorly written and not well edited. You would have done much better. ☺

=====  
Sarah Ellis | Director of District Courts  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, October 30, 2012 3:03 PM  
**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** CONFIDENTIAL & INTERNAL ONLY: Letter to Mo Cowan re: Hinton Lab Review



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---



**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, October 30, 2012 2:56 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: Letter to Mo Cowan re: Hinton Lab Review

DAs,

Attached please find a letter from Ed Bedrosian to Mo Cowen indicating that the AG will not conduct the broader, non-criminal audit into the Hinton laboratory.

Thank you,  
Tara

---

**From:** Bedrosian, Ed (AGO)  
**Sent:** Tuesday, October 30, 2012 2:30 PM  
**To:** Maguire, Tara (DAA)  
**Subject:** Letter to Mo Cowan re: Hinton Lab Review

Tara,  
Please find enclosed a letter I sent to Mo Cowan today.

Ed

---

*Edward R. Bedrosian Jr.*  
*First Assistant Attorney General*  
*Massachusetts Attorney General's Office*  
*One Ashburton Place*  
*Boston, Ma. 02108*  
[REDACTED] (direct)  
[ed.bedrosian@state.ma.us](mailto:ed.bedrosian@state.ma.us)  
[www.mass.gov/ago](http://www.mass.gov/ago)

**Archived:** Tuesday, March 12, 2019 10:48:28 AM

**From:** Leone, Gerard (NOR)

**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Bcc:** Ryan, Marian (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); 'jodi.walker@state.ma.us'

**Subject:** RE: Letter to Mo Cowan re: Hinton Lab Review

**Sensitivity:** Normal

---

Two typo's and some characterizations that I would have worded differently.

Do the DA's now have a responsibility that is tied to our mention in the letter by the AGO?



Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Maguire, Tara (DAA)

**Sent:** Tuesday, October 30, 2012 2:56 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** FW: Letter to Mo Cowan re: Hinton Lab Review

DAs,

Attached please find a letter from Ed Bedrosian to Mo Cowen indicating that the AG will not conduct the broader, non-criminal audit into the Hinton laboratory.

Thank you,

Tara

---

**From:** Bedrosian, Ed (AGO)

**Sent:** Tuesday, October 30, 2012 2:30 PM

**To:** Maguire, Tara (DAA)

**Subject:** Letter to Mo Cowan re: Hinton Lab Review

Tara,

Please find enclosed a letter I sent to Mo Cowan today.

Ed

---

Edward R. Bedrosian Jr.

First Assistant Attorney General

Massachusetts Attorney General's Office

One Ashburton Place

Boston, Ma. 02108

 (direct)

[ed.bedrosian@state.ma.us](mailto:ed.bedrosian@state.ma.us)

[www.mass.gov/ago](http://www.mass.gov/ago)

**Archived:** Tuesday, March 12, 2019 10:48:32 AM

**From:** Leone, Gerard (NOR)

**To:** Capeless, David (BER)

**Subject:** RE: Mass. Lawyers Weekly Daily Alert: Practical steps for representing a crime lab defendant

**Sensitivity:** Normal

---

thanks David, I took note of this.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Capeless, David (BER)

**Sent:** Wednesday, October 31, 2012 9:48 AM

**To:** DAA-DL-DA&EXEC.ASST

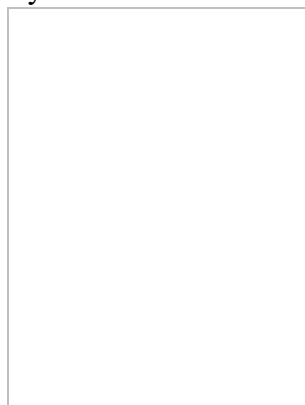
**Subject:** FW: Mass. Lawyers Weekly Daily Alert: Practical steps for representing a crime lab defendant

FYI

## Practical steps for representing a crime lab defendant

Published: 9:32 am Thu, October 25, 2012

By Peter Elikann



With allegations about altered drug tests and forged documents at the state laboratory in Jamaica Plain only weeks old, it is likely that the revelations containing more detailed specifics of what occurred are only in the infancy stage.

In the coming months, a more comprehensive picture should slowly emerge in much the same way that those old Polaroid photos would gradually sharpen and focus before one's eyes.

In the meantime, there are some actions that counsel can take immediately on behalf of their convicted or accused clients while other actions might wait.

### Determining whether to file or not

If defendants are being held awaiting trial or currently serving sentences in cases in which it is definitely determined that former state chemist Annie Dookhan performed the tests on their seized suspected controlled substance, counsel will, more likely than not, move to attempt to free the defendants immediately.

Yet there are serious consequences to consider before making such a decision.

- One such example is when a prisoner with an immigration detainer lodged against him might not want to have his sentence stayed or be released on bail. That is because, once freed, he could be taken immediately into INS custody and swiftly deported without first having had an opportunity to return to the custody of the state to eventually contest and resolve the case.

It is true that, once deported, counsel may, as always, waive the defendant's presence at the state proceedings. But there are enormous obstacles to un-doing a deportation and legally bringing a deportee back to the United States, even if a state criminal conviction is overturned.

So prior to attempting to win someone freedom from state custody due to the tainted evidence, it is incumbent that counsel at least review both the pluses and minuses of such an action with the defendant.

- Another example is when a defendant previously pleaded guilty to an offense after the prosecution broke down the charge to a lesser offense, e.g., getting rid of the school zone charge or breaking down a mandatory drug charge to a lower level. If one is successful in getting the plea vacated, there is always the chance that the defendant could find himself in greater jeopardy if the original complaint is re-charged.

Making a decision here is further complicated by the knowledge that the potential risk might appear to be somewhat lessened by the belief that, if the plea is vacated due to tainted evidence, that questionable drug sample might not be able to be used again. However, there is an additional concern that is causing speculation.

Although many tainted drugs may be ineligible for re-testing, there is a possibility that marijuana or pills might be less susceptible to taint and therefore could possibly be re-tested. While that may be debatable for a variety of reasons, it is, nonetheless, a potential argument that has arisen.

Again, it is imperative that counsel conference the potential pros and cons with the client before filing any motions so that a fully educated decision is made.

- After the above considerations, there is no particular reason to delay filing motions on the cases in which it can be shown unequivocally that Dookhan was the chemist. Less clear are the cases in which Dookhan is not listed as a primary or secondary chemist on the cert.

An argument, obviously, will be made that all drugs that went through the Jamaica Plain lab during her tenure may, at the very least, be suspect and tainted in light of the fact that she is suspected of forging the signatures of others; had unfettered and unsupervised access to drugs and records of other chemists throughout the lab; and reportedly had complete access to the electronic database.

However, since those cases (along with the cases in which the drug cert lists her as merely the notary of the signature of another chemist), at this particular early moment, are not necessarily as strong even though they are most definitely viable, some counsel are waiting in anticipation for more information to come to light in the coming months.

- While it is always advised to have the defendant present at the hearing, if it is truly impractical — such as an instance in which the defendant is currently in INS custody — the presence of the defendant may be waived.

### **What to file**

Counsel may file a motion for a new trial, a motion to vacate a guilty plea or a motion for a stay of execution of sentence.

- Included, also, may be discovery motions. Currently, the Committee for Public Counsel Services has constructed a comprehensive omnibus discovery motion that is being updated and revised almost daily and is available to everyone. Post-trial discovery is different than pre-trial discovery and is discretionary. A little known fact is that post-trial discovery does not rule out the use of tools such as depositions and interrogatories, typically thought to be unavailable for criminal cases in the commonwealth.

Additionally, one can apply to the court for funds for discovery.

- It is arguable whether either a motion for a stay or a motion for discovery may be filed without first filing an accompanying motion for a new trial or motion to vacate.
- An affidavit of counsel must be included.
- If the defendant was convicted of numerous charges, it is still possible to appeal only the drug charge portion of a consolidated plea.

### **How to file**

- All correspondence to the courts should have the words "DPH Drug Lab Case" marked in bold letters everywhere including

the outside of the envelope, on the cover letter and on the heading of the motion. That is so the court clerks can easily identify them and place them on the fastest track.

One should also add the phrase “custody matter” if the defendant is in custody, so that the court can prioritize the case.

- According to the rules, motions for a new trial and motions to vacate a plea are supposed to be heard by the trial judge or the judge who heard the plea. With particular judges being assigned to special sessions to handle the crime lab matters, the practice of going before the original judge is not always being adhered to.

Requesting a hearing

- Judges are permitted to rule solely on the paperwork submitted without a hearing on a motion for a new trial or a motion to vacate a plea. Since it can be argued by all sides that justice benefits from a hearing, it is important to request a hearing in writing.
- On the remote chance that a hearing is not granted, it is imperative to include the complete and total prima facie argument within the body of the motion and to include all exhibits such as police reports, transcripts or scientific documents. That is because in the eventuality that an appeal of the judge’s ruling made without benefit of a hearing is requested, the appeal will be based on what was contained within the four corners of the motion and the accompanying exhibits.

### **Appealing the decision**

- The basis of an appeal of a denial of a motion to stay execution of sentence is generally abuse of discretion.
- The process of M.R.A.P. 6, which governs such an appeal, is well laid out at <http://www.mass.gov/courts/appealscourt/guide-rule6.html>. One may request that the filing fee be waived.
- Once filed, a lawyer not planning on doing the appeal himself can request that CPCS assigns an attorney.

### **Resources for advocates**

The websites of the Massachusetts Bar Association through its online MBA Drug Lab Crisis Resource Center, CPCS and the Massachusetts Association of Criminal Defense Lawyers have extensive information assisting advocates in their representation, including sample motions and comprehensive background information. The growing repository includes, among other documents, 101 pages of Massachusetts State Police investigative reports helpfully provided by the Attorney General’s Office.

*Peter Elikann is an author, CNN commentator and Boston-based criminal defense attorney.*

**Archived:** Tuesday, March 12, 2019 10:48:44 AM

**From:** Leone, Gerard (NOR)

**To:** DAA-DL-ALL.DAs

**Bcc:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR)

**Subject:** JP Lab

**Sensitivity:** Normal

---

During staff debriefings, I (likely like all of you) am getting daily reminders of now having to deploy even more staff to deal with the in-court cases and litigation now as the approach to dealing with the problems widens and the case lists grow upon identification of not only Dookhan related pending cases, but the wider spectrum of disposed cases that are now being presented for post conviction relief, and non Dookhan JP Lab cases that are being thrown into the mix.

**Accordingly, do we know what the status is of our request for resources?**

thanks.



*Gerard T. Leone, Jr. | Middlesex District Attorney*

*15 Commonwealth Ave., Woburn, MA 01801*

 | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:48:47 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI); Conley, Daniel (SUF)  
**Cc:** Maguire, Tara (DAA); Blodgett, Jonathan (EAS)  
**Subject:** RE: Audit of JP Lab  
**Sensitivity:** Normal

---

AGREED



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, October 31, 2012 4:16 PM  
**To:** Conley, Daniel (SUF)  
**Cc:** Maguire, Tara (DAA); Blodgett, Jonathan (EAS); Leone, Gerard (NOR)  
**Subject:** Re: Audit of JP Lab

I agree Dan and I believe Cowan is needed on the invest question as well. My thought would be that he should be in charge of invest II on behalf of the Governor, that he should hire a forensic team that we can have faith in, they should issue a report on the workings of that lab so that we may make decisions on preserving the non Dookhan cases or not.

Sent from my iPhone

On Oct 31, 2012, at 4:10 PM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

I wouldn't be able to meet with Mark Reilly at 3 pm tomorrow, but I am more flexible on Friday. I think Mo Cowan's presence is a must. Candidly, I don't see much getting accomplished with just Mark Reilly in the room, at least to the resource question.

DC

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, October 31, 2012 2:55 PM  
**To:** Maguire, Tara (DAA)  
**Cc:** Blodgett, Jonathan (EAS); Conley, Daniel (SUF); Leone, Gerard (NOR)  
**Subject:** Re: Audit of JP Lab  
What are your thoughts gentleman ?

Sent from my iPhone

On Oct 31, 2012, at 2:53 PM, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

DAs O'Keefe, Blodgett, Conley and Leone,  
Ed Bedrosian has set up a meeting for **tomorrow at 3 PM with Mark Reilly**. Although Ed attempted to schedule the meeting with Mo Cowen, he is not immediately available to meet with you.

Ed Bedrosian will attend on behalf of the Attorney General; the AG will not attend.

Please let me know if you are available to meet with **Mark Reilly**.

Thank you,

Tara

-----Original Message-----

From: Maguire, Tara (DAA)

Sent: Friday, October 26, 2012 7:52 PM

To: Michael O'Keefe (CPI); Blodgett, Jonathan (EAS); Daniel Conley (SUF); Gerard Leone (NOR)

Subject:

DAs O'Keefe, Blodgett, Conley and Leone,

Ed Bedrosian spoke with Mo Cowen about meeting with you and the AG. Mo was open to a meeting, but they agreed to speak again Monday morning to set up a time depending on the intensity of the storm.

Ed will call me first thing Monday morning. I'll let you know as soon as I hear from him.

Thanks,

Tara



**Archived:** Tuesday, March 12, 2019 10:48:52 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); 'jodi.walker@state.ma.us'; 'marian.ryan@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Cc:** Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US)

**Subject:** RE: PATRICK SEEKING \$30 MIL TO START PAYING FOR DRUG LAB FALLOUT

**Sensitivity:** Normal

---

I wouldn't rely on this money.

---

**From:** Guyotte, Stephanie (NOR)

**Sent:** Wednesday, October 31, 2012 7:10 PM

**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; 'marian.ryan@state.ma.us'

**Subject:** Fw: PATRICK SEEKING \$30 MIL TO START PAYING FOR DRUG LAB FALLOUT

---

**From:** State House News Service [<mailto:news@statehousenews.com>]

**Sent:** Wednesday, October 31, 2012 06:45 PM

**To:** [news@statehousenews.com](mailto:news@statehousenews.com) <[news@statehousenews.com](mailto:news@statehousenews.com)>

**Subject:** PATRICK SEEKING \$30 MIL TO START PAYING FOR DRUG LAB FALLOUT

---



PATRICK SEEKING \$30 MIL TO START PAYING FOR DRUG LAB FALLOUT

By Matt Murphy

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, OCT. 31, 2012.... Gov. Deval Patrick plans to file a \$30 million budget request with the Legislature on Thursday to cover costs for “the next few months” related to the evidence tainting debacle at a state drug lab, and Patrick has agreed to appoint an independent investigator to conduct a broader probe of the lab.

Administration and Finance Secretary Jay Gonzalez said Wednesday that the spending request would be filed with the House on Thursday. He'll seek \$30 million to be deposited into a special fund under the control of his office.

The request underscores the magnitude of the evidence tainting problems, which are forcing public officials and defense attorneys to revisit and reopen thousands of criminal cases to determine whether justice was served.

The administration plans to dispense the funds to state agencies impacted by investigations or ongoing legal proceedings based on requests filed monthly, Gonzalez said, and the request will propose to pay for the expense with future one-time tax and legal settlements. The administration earlier in the day announced a \$116 million surplus from fiscal 2012 that it plans to deposit in the state's “rainy day” fund.

Patrick also said Wednesday he would “waste no time” naming an independent investigator to review operations at the Hinton Laboratory after Attorney General Martha Coakley, facing pressure from legal groups to step aside because of potential conflicts of interest, asked the governor to replace her.

"The Attorney General was well suited to lead this impartial review of the lab's overall operations but we understand and accept her decision. Combined with David Meier's work to identify cases handled by Annie Dookhan and the ongoing criminal investigation, this broader review is critical to assessing the integrity of the entire lab and ensuring the criminal justice system meets its obligations to fairness. We will waste no time identifying a new person to take up this important responsibility," Patrick press secretary Kim Haberlin said in a statement.

Gonzalez said the \$30 million should cover state expenses "through the next few months" after which the administration will have a "better understanding of the extent to which any further funding requests might be needed." Democratic House and Senate leaders have been briefed on their plans, Gonzalez said.

"We need to be prepared for the possibility that we do need more, and based on worst case scenarios we may need a lot more," Gonzalez said.

House Ways and Means Chairman Brian Dempsey told the News Service that lawmakers would make a decision in the next week or two whether it is feasible to put forward a budget bill during informal sessions, when any lawmaker can block its passage. Formal legislative sessions are scheduled to resume in January.

"We're going to look at it. It's always a challenge in informal sessions to bring something of this magnitude up because it's a supp and there's always a request for additional items. We'll look at it to see if it's doable and makes sense and that's a conversation we'll have with the speaker," Dempsey said.

Dempsey said the idea of reimbursing agencies as they incur costs "makes a lot of sense" and he also agreed with the idea of a short-term funding plan so that officials can get a better sense of the overall cost. He also said he supported the funding mechanism to use one-time settlements that are typically put into reserves.

"It's for use for those expenses we would deem an emergency or one time and this certainly falls into that," Dempsey said.

House Minority Leader Brad Jones, however, said he wasn't so sure the Legislature should be willing to hand over a check to the administration.

Disappointed that Republican leadership had not been briefed on the administration's plan as well, Jones said, "I think this is certainly a request that should come with a tremendous amount of string because I want to know who knew what and when."

The North Reading Republican suggested that an independent authority might be placed in charge of disbursing funds until the Legislature can properly investigate the administration's handling of the drug lab crisis. "I'm going to want to have my say in how this addressed," Jones said.

Early Wednesday afternoon, Reps. Jeffrey Sanchez (D-Jamaica Plain), David Linsky (D-Natick) and Harold Naughton (D-Clinton) announced plans for three legislative hearings into the Department of Public Health's oversight of the lab and state pharmacies.

"Oh, they tore themselves away from the Obama trail," Jones quipped, referring to their travels on behalf of President Barack Obama's re-election campaign.

Though the legislative recess could become an impediment to passage of a budget bill during informal sessions, Gonzalez said waiting until January when the new Legislature is sworn in puts "more pressure" on the budgets of those agencies impacted by chemist Annie Dookhan's mishandling of evidence.

"The sooner we have this in place, the better," Gonzalez said.

The administration requested that state agencies file estimates of their expenses related to the drug lab by last week, but Gonzalez said it is premature to have a full understanding of the number of cases and increased workload that will fall to agencies such as the Committee for Public Counsel Services, district attorneys, probation and the courts.

The courts alone requested \$8.7 million, including \$2.96 million this fiscal year and \$5.8 million in fiscal 2014 to handle cases stemming from breaches of protocol at the Hinton Drug Lab. Boston Mayor Thomas Menino has asked the state for \$15 million to pay for increased police patrols and released-inmate supervision.

-END-

10/31/2012

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**Archived:** Tuesday, March 12, 2019 10:49:05 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL  
**Sensitivity:** Normal

---

Thanks. I just wanted him to know that I followed up on the matter for him and wanted to make sure that I apprised him of the status.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, November 01, 2012 09:24 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

I forgot to mention it tonight . He had an operation on his hand yesterday . Doing well but he's got a lot going on. I'll make a note to mention it to him.

Sent from my iPhone

On Nov 1, 2012, at 9:22 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Thanks Mike.

Also, lemme know what Bobby says if you get a chance to speak with him.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, November 01, 2012 09:20 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

I'll call you later in the day.

Sent from my iPhone

On Nov 1, 2012, at 9:19 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Thanks Mike. Please keep me apprised. I'll probably skip the meeting. Let me know if I can be of any help.

Wholly different agendas here between DAs and the others.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, November 01, 2012 09:17 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

Gerry I have read again what you have sent . It is very well put together.

The meeting is tomorrow at noon . Mo Cowan , Mark Riley . Ed Bedrosian , Joe Early , Dan Conley and myself. Feel free to attend if you wish . Thanks again for the information in the email!

Sent from my iPhone

On Nov 1, 2012, at 2:23 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Mike:

In meeting with the Governor's Staff about the larger "investigation" of the JP Lab, I think that the team that is tasked with this responsibility need be comprised of staff who can do scientific analysis and can assess lab protocols, procedures and practices, to opine on the entire scope and nature of the problems at the Lab; and include an investigative forensic staff (investigative and former police/prosecutors) who can assess the case related side of the equation and proffer advice and opine on the feasibility of pursuing criminal cases that are non Dookhan infected, but nonetheless impacted by being attached to the Lab.

I suggest the "IPSIG" - Independent Private Sector Inspector General types of firms/companies who have this capability and expertise. I would not go with a MA governmental entity for several reasons.

Below are some well known and respected IPSIGs that I have utilized while in Government; or worked with and/or for; or competed against for business when I was in the private sector.

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Fairfax Group (Drew McKay) <http://www.fairfaxco.us/> (Drew McKay and Michael Hershman)

Marcum, LLP and Frank Rudewicz

SEE ALSO: The International Association of Independent Private Sector Inspector Generals <http://www.iaipsig.org/>.

As for the resources piece:

I think we need to stress to those responsible for the JP Lab mess, but who are not in a position like we are - tasked with fixing it in real time in our courts and in our communities, that we are burning resources now that are normally spent doing other things in our offices and have been doing so since the JP Lab fiasco broke. This is compromising our ability to carry out our core mission of protecting and serving people and communities, and is causing incredible stresses on our staff. We are the intersection of public safety/law enforcement/The CJS/ and the failures of the H&HS/DPH sectors of Govt.

In order to handle the fall out with Unit/Task Force type approaches in our office and in court, we need commitments in monies and equipment, NOW. We are dealing with these issues in real time and need to plan around hiring, deployment and operational needs, NOW.

Lastly, we will need to plan budgets around sustainability, and therefore need to know NOW what we are being provided by way of resources, when and whether we can count on them in our annualized budget bases or they are one time grants of resources.

Thanks. I hope this is helpful.  
Gerry

<att443ac.jpg> Gerard T. Leone, Jr. | *Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
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**Archived:** Tuesday, March 12, 2019 10:49:13 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL  
**Sensitivity:** Normal

---

Agreed!

---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, November 02, 2012 07:05 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

No-I completely agree but it's a great opportunity to waste--  
Those meetings are a mess-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, November 02, 2012 07:02 AM  
**To:** Ryan, Marian (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

Sure.

Not to be cynical, but I'm not confident that this group will really do a substantive job of it. That's why I'm not wasting my time going to the meeting today or the meetings that the DAs are having with the Gov,'s staff.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, November 02, 2012 06:56 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

I think that there are some opportunities here for real advancement in the forensic realm to get us out of the convoluted system that we have-would you mind if I put a few thoughts together re that which might be helpful?

---

**From:** Leone, Gerard (DAA) [mailto:gerry.leone@massmail.state.ma.us]  
**Sent:** Thursday, November 01, 2012 02:23 PM  
**To:** OKeefe, Michael (CPI); Leone, Gerard (NOR); Conley, Daniel (SUF); Early, Joseph (MID); Blodgett, Jonathan (EAS)  
**Cc:** Maguire, Tara (DAA)  
**Subject:** JP Lab & IPSIGs - CONFIDENTIAL

Mike:

In meeting with the Governor's Staff about the larger "investigation" of the JP Lab, I think that the team that is tasked with this responsibility need be comprised of staff who can do scientific analysis and can assess lab protocols, procedures and practices, to opine on the entire scope and nature of the problems at the Lab; and include an investigative forensic staff (investigative and former police/prosecutors) who can assess the case related side of the equation and proffer advice and opine on the feasibility of pursuing criminal cases that are non Dookhan infected, but nonetheless impacted by being attached to the Lab.

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As for the resources piece:

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Thanks. I hope this is helpful.

Gerry



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
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**Archived:** Tuesday, March 12, 2019 10:49:21 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL  
**Sensitivity:** Normal

---

I have bball practice 2-4 and an event at 6, 4-6 p.m. If it works for you Mike. Otherwise we can talk tomorrow.  
Thanks.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Sunday, November 04, 2012 12:52 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

Can I call you this afternoon?

Sent from my iPhone

On Nov 4, 2012, at 12:51 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

How did your meeting go on Friday?

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Thursday, November 01, 2012 2:32 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Conley, Daniel (SUF); Early, Joseph (MID); Blodgett, Jonathan (EAS); Maguire, Tara (DAA)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL

Thankyou . It is.

Sent from my iPhone

On Nov 1, 2012, at 2:23 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

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**Archived:** Tuesday, March 12, 2019 10:49:24 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Re: JP Lab & IPSIGs - CONFIDENTIAL  
**Sensitivity:** Normal

---

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I think we need to stress to those responsible for the JP Lab mess, but who are not in a position like we are - tasked with fixing it in real time in our courts and in our communities, that we are burning resources now that are normally spent doing other things in our offices and have been doing so since the JP Lab fiasco broke. This is compromising our ability to carry out our core mission of protecting and serving people and communities, and is causing incredible stresses on our staff. We are the intersection of public safety/law enforcement/The CJS/ and the failures of the H&HS/DPH sectors of Govt.

In order to handle the fall out with Unit/Task Force type approaches in our office and in court, we need commitments in monies and equipment, NOW. We are dealing with these issues in real time and need to plan around hiring, deployment and operational needs, NOW.

Lastly, we will need to plan budgets around sustainability, and therefore need to know NOW what we are being provided by way of resources, when and whether we can count on them in our annualized budget bases or they are one time grants of resources.

Thanks. I hope this is helpful.

Gerry

<att443ae.jpg>Gerard T. Leone, Jr. | *Middlesex District Attorney*

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:49:28 AM

**From:** Leone, Gerard (NOR)

**To:** Maguire, Tara (DAA); OKeefe, Michael (CPI); Conley, Daniel (SUF); Early, Joseph (MID); Blodgett, Jonathan (EAS)

**Cc:** Leone, Gerard (NOR)

**Subject:** Globe (11/5); I.G. Cunha to Investigate JP Lab

**Sensitivity:** Normal

---

Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)

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Governor Deval Patrick taps Inspector General Glenn Cunha to investigate closed drug lab  
11/05/2012 5:12 PM

By John R. Ellement, Globe Staff

Inspector General Glenn Cunha will take over the investigation into the operations of the Jamaica Plain drug lab, where former state chemist Annie Dookhan allegedly tainted evidence in thousands of cases, Governor Deval Patrick said today.

In a statement, Patrick said Cunha will now take over the sweeping inquiry into the closed Department of Public Health lab where Dookhan worked from 2003 to 2012. Cunha is replacing Attorney General Martha Coakley who will continue to pursue a criminal investigation into Dookhan.

Coakley's position in seeking to prosecute Dookhan, along with her office's prior advocacy of the quality of the science at the lab in courthouses earlier this year, led the Massachusetts Bar Association and the American Civil Liberties Union of Massachusetts to seek her ouster from the lab investigation.

"Inspector General Cunha brings the necessary independence and experience to the task and enjoys the support of both prosecutors and the defense bar," Patrick said in announcing the changeover to Cunha. "I look forward to his findings."

Cunha was named inspector general in July and previously had been an assistant attorney general who led investigations into the Chelsea Housing Authority, human trafficking, and other criminal matters.

"The integrity and credibility of the criminal justice system require a comprehensive and thorough review of the drug lab," Cunha said in a statement. "My office is prepared to conduct such a review and to that end, I have already begun to assemble an experienced team to examine the lab's operations, paying particular attention to its policies and procedures."

Cunha plans to hire independent forensic experts “to determine whether potential failures at the drug lab impact cases beyond those handled directly by Dookhan,” according to Patrick’s statement. Cunha’s work will proceed alongside David Meier’s “boiler room” operation, in which the Boston attorney is trying to match potentially tainted drug samples to criminal defendants. So far, Meier has connected Dookhan-tested drug samples to 1,900 defendants.

Martin Healy, chief legal counsel to the Massachusetts Bar Association, said in the same statement that the Cunha appointment should mean an “independent investigation of the drug lab.”

Coakley, through aides, welcomed the opportunity to step aside from what promises to be a time-consuming, costly inquiry that she believes must help restore public confidence in the state’s criminal justice system.

Dookhan has pleaded not guilty to two counts of obstruction of justice and a charge of inflating her academic resume. She has pleaded not guilty and is free on \$10,000 cash bail.

Dookhan allegedly confessed to State Police assigned to Coakley’s office earlier this year that she manipulated the weights of some drug samples, tampered with samples to turn a negative result into a positive, and violated lab protocols aimed at protecting the integrity of testing.

Credible scientific testing of substances seized in drug arrests is crucial to such cases. Otherwise, defendants could argue that the substances found on them were not really illegal drugs.

John R. Ellement can be reached at [ellement@globe.com](mailto:ellement@globe.com).

**Archived:** Tuesday, March 12, 2019 10:49:51 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** FW: Hinton Drug Lab  
**Sensitivity:** Normal  
**Attachments:**  
[Ltr Glenn Cunha - MA Crime Lab 11-6-12.pdf](#)

---

fyi



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Rudewicz, Frank [mailto:Frank.Rudewicz@marcumllp.com]  
**Sent:** Tuesday, November 06, 2012 5:38 PM  
**To:** Leone, Gerard (NOR); [REDACTED]  
**Subject:** Hinton Drug Lab

Gerry and Bob, FYI: this letter went out today via Fed Ex. A similar one was sent to Mo Cowen as well.



*Frank Rudewicz* [Profile](#)

Partner  
Marcum LLP  
53 State Street  
Boston, MA 02109  
P: [REDACTED]  
F: [REDACTED]  
[Frank.Rudewicz@marcumllp.com](mailto:Frank.Rudewicz@marcumllp.com)



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November 6, 2012

Glenn Cunha, Inspector General  
Office of the Inspector General  
John W. McCormack State Office Building  
One Ashburton Place, Room 1311  
Boston, MA 02108

Dear Inspector General Cunha:

Congratulations on your recent appointment as the overseer for the investigation and review into the operations of the Hinton State Laboratory.

Marcum submits this letter of qualifications in anticipation of the Commonwealth of Massachusetts' request for forensic investigative services and inspection analysis. Marcum's Advisory Services division provides regulatory agencies, lawyers, trustees, and business owners a wide range of services to meet the challenges of today's business environment. With a team of skilled professionals, experienced in multiple industry groups, we have the expertise to successfully navigate complex issues including forensic investigations, risk management, and corporate governance. Marcum has a fully staffed office in Boston and 22 other offices throughout the country.

The Marcum team utilizes a unique cross-disciplinary approach which capitalizes on the quality of Marcum personnel and expert consultants. Our team has extensive experience in:

- **Forensic and Crime Lab Management and Review**
- **Multi Jurisdictional Independent Investigations and Compliance Monitorships**
- **Interviewing and Fact-Finding**
- **Healthcare and Government Auditing and Internal Control Review**

The Marcum Team has highly qualified individuals representing multiple disciplines, which will provide significant benefits to the government through increased efficiency and shared information. These experts include:

- **Michael J. Wolf** - Michael is a retired Assistant Director of the FBI and is the current Interim Director of Scientific Services-State of Connecticut. He is a former member of the Connecticut Governor's Forensic Laboratory Working Group and former special investigator for review of various Forensic facilities for the North Carolina Attorney General's office. Michael earned an MS degree in Forensic Science from George Washington University.
- **Brian F. Donnelly**, PhD-Pharmacology/Toxicology. Brian is a retired Supervisor from the FBI, where among other assignments, he was the Supervising Examiner for the chemical analysis of evidence submitted to the Chemistry and Toxicology unit of the FBI laboratory. Prior to joining the FBI, Brian was the Forensic Toxicologist for the Suffolk County, New York Medical Examiner's office. Additionally, he has developed and published new analytical techniques and provided expert testimony in state, local and federal trials throughout the United States.
- **Christopher Jackson** - Partner, National Practice Leader for Healthcare, Marcum LLP. Chris has over 20 years of providing audit and advisory services to various clients within the healthcare and governmental sectors. He has specific expertise with regulatory compliance and industry best practices as it relates to public and private healthcare activities.



November 6, 2012

- **Frank E. Rudewicz** - Partner and Counsel, Marcum New England Forensic Practice Leader. Frank has over 30 years of experience conducting complex investigations in the public and private sectors. He has been appointed as the independent investigator, compliance monitor and expert witness for a number of public safety and corporate entities in New England. As a result, Frank has provided expert testimony in various state and federal courts.
- **Robert Long** - Bob has over 40 years of experience in conducting highly sensitive and multi jurisdictional investigations. He is a highly decorated retired Massachusetts State Police Lieutenant, former Chief Investigator for the Middlesex District Attorney's office and former head of Statewide Narcotics Task Force. Bob has been recognized in Massachusetts Courts as an expert in the science of investigations.

A resume and curriculum vitae can be provided for each team member upon request.

In addition, we have a full complement of professional staff to complete all work. As part of all our projects and before proceeding with the review, the team, in consultation with you, will ensure that a budget and task plan are prepared. Quality is integral to all our project management processes, and includes:

- A carefully designed plan for each task and technical support area.
- Continual measurement and evaluation of service.
- Prompt identification and correction of deviations from service.
- Frequent task reviews and communication with Massachusetts officials.
- Client participation in the review process.

We would appreciate an opportunity to meet with you to discuss Marcum's qualifications and experience. We look forward to being considered as your forensic support team. If you have any questions, please feel free to contact me at [REDACTED] or via email at [frank.rudewicz@marcumllp.com](mailto:frank.rudewicz@marcumllp.com).

Regards,

**MARCUM LLP**



Frank E. Rudewicz  
Partner and Counsel  
New England Forensic Practice Leader

**Archived:** Tuesday, March 12, 2019 10:49:57 AM

**From:** Leone, Gerard (NOR)

**To:** 'Rudewicz, Frank'; [REDACTED]

**Subject:** RE: Hinton Drug Lab

**Sensitivity:** Normal

---

thanks Frank



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Rudewicz, Frank [mailto:Frank.Rudewicz@marcumllp.com]

**Sent:** Tuesday, November 06, 2012 5:38 PM

**To:** Leone, Gerard (NOR); [REDACTED]

**Subject:** Hinton Drug Lab

Gerry and Bob, FYI: this letter went out today via Fed Ex. A similar one was sent to Mo Cowen as well.



**Frank Rudewicz** [Profile](#)

Partner

Marcum LLP

53 State Street

Boston, MA 02109

P: [REDACTED]

F: [REDACTED]

[Frank.Rudewicz@marcumllp.com](mailto:Frank.Rudewicz@marcumllp.com)



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**Archived:** Tuesday, March 12, 2019 10:50:03 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR)

**Cc:** Wechsler, Pamela (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Ramasci, Michelle (NOR)

**Subject:** Re: IG investigation announced today

**Sensitivity:** Normal

---

9 Pre Exec mtg and 10 Exec mtg. Tomorrow.  
Let's try and get a few minutes at the end of Exec to discuss.  
Thanks.

----- Original Message -----

From: Walker, Jodi (NOR)

Sent: Monday, November 05, 2012 08:39 PM

To: Leone, Gerard (NOR)

Cc: Wechsler, Pamela (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

Subject: Re: IG investigation announced today

Yes, of course.

Sent from my iPhone

On Nov 5, 2012, at 8:38 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Jodi and Marian, are you available around the morning meetings tomorrow so we can have some prep conversation? It would be helpful if we were all there b/c of the fiscal portion of the conversation.

>

> ----- Original Message -----

> From: Walker, Jodi (NOR)

> Sent: Monday, November 05, 2012 08:27 PM

> To: Wechsler, Pamela (NOR)

> Cc: Leone, Gerard (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

> Subject: Re: IG investigation announced today

>

> I'm available, Gerry.

>

> Sent from my iPhone

>

> On Nov 5, 2012, at 8:27 PM, "Wechsler, Pamela (DAA)" <pamela.wechsler@massmail.state.ma.us> wrote:

>

>> Sarah, Mike and I will be in Framingham with you.

>>

>> -----  
>> From: Leone, Gerard (NOR)

>> Sent: Monday, November 05, 2012 8:23 PM

>> To: Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

>> Subject: IG investigation announced today

>>

>> Can any of you do this call? We'll talk tomorrow. Who makes most sense to be on the call?

>>

>> From: OKeefe, Michael (CPI)

>> Sent: Monday, November 05, 2012 07:28 PM

>> To: Leone, Gerard (NOR)  
>> Subject: Re: IG investigation announced today  
>>  
>> I -- the IG and our conversation with Mo Cowan and more importantly II -- the issue of beginning to spend now with the assurance from Mo that money would be forthcoming. I intend to discuss our conversation that it would be a good idea to be on the same page with our spending plan and that we consider all employing the 'team' approach for consistency sake. As well and I don't know if I mentioned this to you yesterday but I discussed with Mo 'annualization' and that these expenditures would have to be annualized at some level . He said he understood that.  
>> And we agreed that good faith is apart of this and that we would spend with caution.  
>>  
>> Sent from my iPhone  
>>  
>> On Nov 5, 2012, at 7:03 PM, "Leone, Gerard (NOR)"  
<Gerry.Leone@MassMail.State.MA.US<mailto:Gerry.Leone@MassMail.State.MA.US>> wrote:  
>>  
>> sure, what's the particular issues to be discussed then?  
>>  
>> <image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
>> 15 Commonwealth Ave., Woburn, MA 01801  
>> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com/>>  
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>>  
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>>  
>> \_\_\_\_\_  
>> From: OKeefe, Michael (CPI)  
>> Sent: Monday, November 05, 2012 6:58 PM  
>> To: Leone, Gerard (NOR)  
>> Subject: Re: IG investigation announced today  
>>  
>> Gerry if we go at 930 Wednesday Can you have someone call in and represent you?  
>>  
>> Sent from my iPhone  
>>  
>> On Nov 5, 2012, at 6:49 PM, "Leone, Gerard (NOR)"  
<Gerry.Leone@MassMail.State.MA.US<mailto:Gerry.Leone@MassMail.State.MA.US>> wrote:  
>>  
>> no Mike.  
>> Wednesday I only have time between 11:30-1 p.m.  
>> Go without me if need be.  
>> thx  
>>  
>> <image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
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>> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com/>>  
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>>  
>>  
>>

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>> From: OKeefe, Michael (CPI)  
>> Sent: Monday, November 05, 2012 6:38 PM  
>> To: Leone, Gerard (NOR)  
>> Subject: Re: IG investigation announced today

>>  
>> Gerry are you available Wednesday morning at 930 for conference call?  
>>  
>> Sent from my iPhone

>>  
>> On Nov 5, 2012, at 6:07 PM, "Leone, Gerard (NOR)"  
<Gerry.Leone@MassMail.State.MA.US<mailto:Gerry.Leone@MassMail.State.MA.US>> wrote:

>>  
>> How long until someone makes the connection that Cunha worked for Martha until two months ago?  
>> They better announce the legitimate process of picking an independent and objective IPSIG asap.  
>> And lastly, isn't there irony in appearance of conflict being raised against the AG taking the investigation, when the Executive/Governor's Office, whose lack of management and supervision over DPH caused this mess, will apparently authorize and support the legislature hiring and paying for the IPSIG while having A&F oversee our clean up of their mess with monies approved by them?

>>  
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>>  
>>  
>>

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>> From: Maguire, Tara (DAA)  
>> Sent: Monday, November 05, 2012 6:01 PM  
>> To: DAA-DL-DA&EXEC.ASST  
>> Subject: IG investigation announced today

>>  
>> STATE CAPITOL BRIEFS – AFTERNOON EDITION – MONDAY, NOV. 5, 2012  
>> STATE HOUSE NEWS SERVICE

>>  
>> IG CUNHA WILL TAKE OVER DRUG LAB PROBE  
>> Inspector General Glenn Cunha will take over Attorney General Martha Coakley's review of operations at the state drug lab, where evidence tampering has cast doubt on the outcomes of thousands of cases. Gov. Deval Patrick on Tuesday announced that the state's new inspector general, who led insurance and unemployment fraud and criminal bureau work in Coakley's office, would take over the probe. Coakley last week volunteered to step away from her look into drug lab operations after legal groups said Coakley should give up the probe since her office prosecutes drug cases, supports the State Police unit that investigates drug cases and also supports drug prosecutions brought by county district attorneys. Coakley said last week that it was important that the work of the independent investigator not interfere with her office's ongoing criminal investigation, which has already led to some charges against laboratory chemist Annie Dookhan. Cunha is expected to begin work immediately, with the goal of determining whether failures at the Hinton Drug Lab were limited to Dookhan and her supervisors and managers. "I look forward to his findings," Patrick said in his statement. Cunha plans to use his staff and retain independent forensic experts in his investigation. "The integrity and credibility of the criminal justice system require a comprehensive and thorough review of the

drug lab," Cunha said in a statement. "My office is prepared to conduct such a review and to that end, I have already begun to assemble an experienced team to examine the lab's operations, paying particular attention to its policies and procedures." - M. Norton/SHNS  
>>

**Archived:** Tuesday, March 12, 2019 10:50:04 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Re: IG investigation announced today  
**Sensitivity:** Normal

---

Great Mike.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Monday, November 05, 2012 09:04 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: IG investigation announced today

Very good . Talk to you later about other matter. Thanks.

Sent from my iPhone

On Nov 5, 2012, at 8:21 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

I'll have someone on the call Mike.  
Thx

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Monday, November 05, 2012 07:28 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: IG investigation announced today

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<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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Go without me if need be.  
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STATE CAPITOL BRIEFS – AFTERNOON EDITION – MONDAY, NOV. 5,  
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STATE HOUSE NEWS SERVICE

#### IG CUNHA WILL TAKE OVER DRUG LAB PROBE

Inspector General Glenn Cunha will take over Attorney General Martha Coakley's review of operations at the state drug lab, where evidence tampering has cast doubt on the outcomes of thousands of cases. Gov. Deval Patrick on Tuesday announced that the state's new inspector general, who led insurance and unemployment fraud and criminal bureau work in Coakley's office, would take over the probe. Coakley last week volunteered to step away from her look into drug lab operations after legal groups said Coakley should give up the probe since her office prosecutes drug cases, supports the State Police unit that investigates drug cases and also supports drug prosecutions brought by county district attorneys. Coakley said last week that it was important that the work of the independent investigator not interfere with her office's ongoing criminal investigation, which has already led to some charges against laboratory chemist Annie Dookhan. Cunha is expected to begin work immediately, with the goal of determining whether failures at the Hinton Drug Lab were limited to Dookhan and her supervisors and managers. "I look forward to his findings," Patrick said in his statement. Cunha plans to use his staff and retain independent forensic experts in his investigation. "The integrity and credibility of the criminal justice system require a comprehensive and thorough review of the drug lab," Cunha said in a statement. "My office is prepared to conduct such a review and to that end, I have already begun to assemble an experienced team to examine the lab's operations, paying particular attention to its policies and procedures." - M. Norton/SHNS

**Archived:** Tuesday, March 12, 2019 10:57:25 AM

**From:** Leone, Gerard (NOR)

**To:** 'jodi.walker@state.ma.us'; Ryan, Marian (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** JP Lab Order

**Sensitivity:** Normal

**Attachments:**

[Hinton Lab - Standing Order.printed copy.pdf](#)

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**From:** Burak, Christine [mailto:Christine.Burak@sjc.state.ma.us]

**Sent:** Friday, November 09, 2012 04:37 PM

**To:** Benedetti, Anthony(CPC); admin@macdl.com <admin@macdl.com>; mdstern@sswg.com <mdstern@sswg.com>; Conley, Daniel (SUF); Capeless, David (BER); Sullivan, David (NWD); Leone, Gerard (NOR); Blodgett, Jonathan (EAS); Early, Joseph (MID); Mastroianni, Mark (WES); Morrissey, Michael (NFK); OKeefe, Michael (CPI); Sutter, Samuel (BRI); Maguire, Tara (DAA); Cruz, Timothy (PLY)

**Subject:** Order

I attach a copy of an Order issued by the Supreme Judicial Court regarding matters related to the Hinton State Laboratory Institute. The Office of the Clerk of the Commonwealth will make further distribution of the Order early next week.

Christine P. Burak  
Supreme Judicial Court  
John Adams Courthouse  
Boston, MA 02108  


COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT

ORDER

This Order is issued to facilitate the handling of matters related to allegations of misconduct at the William A. Hinton State Laboratory Institute. To further the expeditious handling of such matters, and notwithstanding any provisions to the contrary in any Rule of Court or Standing Order, it is hereby ORDERED that a Chief Justice of a Trial Court Department may assign for all purposes, including disposition, any post conviction motion in which a party seeks relief based on alleged misconduct at the Hinton State Laboratory to any judge of that Trial Court Department. The assigned judge may reassign the motion to the original trial judge where the interests of justice require.

This Order is effective immediately and shall remain in effect until further Order of this Court.

RODERICK L. IRELAND Chief Justice

FRANCIS X. SPINA )

)

)

ROBERT J. CORDY )

)

)

MARGOT BOTSFORD )

)

Justices

)

RALPH D. GANTS )

)

)

FERNANDE R.V. DUFFLY )

)

)

BARBARA A. LENK )

DATE: NOVEMBER 9, 2012

**Archived:** Tuesday, March 12, 2019 10:57:36 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR)

**Subject:** RE: 2 Issues of First Impression ([REDACTED] case - 11/7) - MTD Non-AD / JP Lab only case

**Sensitivity:** Normal

---

AS we discussed yesterday, the fact that the Lab will be investigated by the IG and an IPSIG type of entity, and may reveal much relevant information, it would seem in the best interests of justice to put matters like this over until we obtain the results.

I would be interested in other DAOs approaches.

Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

Sent: Wednesday, November 07, 2012 10:39 AM

To: Leone, Gerard (NOR)

Subject: FW: 2 Issues of First Impression ([REDACTED] case - 11/7) - MTD Non-AD / JP Lab only case

---

From: Walker, Jodi (NOR)

Sent: Friday, November 02, 2012 2:37 PM

To: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Long, MaryBeth (NOR)

Cc: Ryan, Marian (NOR); Irwin, Chris (NOR)

Subject: RE: 2 Issues of First Impression ([REDACTED] case - 11/7) - MTD Non-AD / JP Lab only case

Hi all – Mike and I just had a discussion about these issues. We suggest that Doug ask the court to put over the MTD, and that the C/W take no position on it at this time. In the meantime, the C/W will go through the discovery motion with the DC and try to get and provide that which is reasonable and within our possession, custody, and control at this time. Depending on whether any of the discovery we get shows AD is involved, and/or whether any additional AGO reports we get bear on the issue of AD as the QC for the lab, we will address and take a position on the MTD later, when we are better informed.

MBL – Mike thought this might be a good case for you to go to Court with Doug on, but as I see this date is 11/7, I am now realizing that you have a Lowell PD training on that day. I also unfortunately have a conflict that afternoon. I will make sure to speak with Doug before Wednesday – but will wait in case anybody has anything to add on this.

Thanks –

jlw

From: Walker, Jodi (NOR)  
Sent: Friday, November 02, 2012 1:29 PM  
To: Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Long, MaryBeth (NOR)  
Cc: Ryan, Marian (NOR); Irwin, Chris (NOR)  
Subject: 2 Issues of First Impression - MTD Non-AD / JP Lab only case

Hi all – We have 2 issues of first impression in the AD / JP Lab matter on next Wednesday, 11/7/2012, in Woburn Superior Court in a pending case, [REDACTED] (Doug Nagengast's case), which may get reached that we would like to discuss: (1) a hearing on the global discovery motion re: JP Lab; and (2) a MTD drug indictments re: JP Lab certs but non-AD certs. The DC's motions are attached.

As to the discovery motion, our suggestion is to provide what we can after reaching out to our POC on the lab discovery, and to ask that the court take no action on the rest of the discovery request, which remains out of our possession, custody, and control for reasons not of our doing (e.g., pending criminal investigation.)

As to the motion to dismiss, it seems premature to take a position on this – we don't yet know what we don't know. DC's claim of AD being the quality control person seems to have facial merit given the AGO reports we have received to date, and they transcripts we have reviewed. That being said, court may want us to be prepared on the issue and we'd love some guidance. We have nothing written on this topic yet, and it may be a response that Appeals can help us write, to the extent that we are preparing a substantive written response. As a note, this D has non-drug charges, e.g., 10(n) and 10(h), that could be severed from the rest of the case . . . (but probably not the possession of the F/A in the commission of a felony, to wit, trafficking.)

Kristen Noto expects to be receiving similar motions on this topic for a probable hearing date on 11/19/2012 in the [REDACTED] case, in Lowell Superior Court. I don't believe that she has yet received these motions.

Marian and I are next free on Tuesday, but to the extent that is too tight, I'm here Monday (Marian has a motion on a homicide I believe) and can brief Marian after.

Thanks –  
jlw

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
Jodi.Walker@state.ma.us<mailto:Jodi.Walker@state.ma.us>

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From: Nagengast, Douglas (NOR)  
Sent: Tuesday, October 30, 2012 11:22 AM  
To: Ryan, Marian (NOR); Walker, Jodi (NOR)  
Cc: Irwin, Chris (NOR)  
Subject: Lab case: [REDACTED]

I received these two motions yesterday for [REDACTED] relating to the lab. There is a hearing date for the motions on November 7th.

In some parts of the motion it reads like it is a post-conviction motion but the defense attorney must have copy and pasted because the defendant has not been convicted.

D has two cases but they all relate to the same incident. Between the two cases she is charged with

1. possessing a firearm during a felony
2. 10(n)
3. 10(h)
4. Trafficking heroin over 200 grams
5. School zone
6. Conspiracy

Case dates back from 2007 as she defaulted. Her default was removed on 5/24 after she was arrested on another trafficking case. \$50,000 bail was placed on both cases and she is in custody.

Dookhan did not test any of the drugs – they just went through the JP Lab.

**Archived:** Tuesday, March 12, 2019 10:57:38 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'Jill.Reilly@usdoj.gov'  
**Subject:** Re: Caswell Motel, Tewksbury: Unattended  
**Sensitivity:** Normal

---

And let us know if you need anything on the JP Lab Annie Dookhan component to this.

----- Original Message -----

From: Reilly, Jill (USAMA) [<mailto:Jill.Reilly@usdoj.gov>]  
Sent: Sunday, November 11, 2012 09:42 AM  
To: Leone, Gerard (NOR)  
Subject: Re: Caswell Motel, Tewksbury: Unattended

Surprise, surprise! Tx Gerry

----- Original Message -----

From: Leone, Gerard (DAA) [<mailto:gerard.leone@state.ma.us>]  
Sent: Sunday, November 11, 2012 09:38 AM  
To: Reilly, Jill (USAMA)  
Subject: Caswell Motel, Tewksbury: Unattended

Jill, thought this info might be of interest to whomever is handling this property forfeiture case in the USAO.  
Gerry

----- Original Message -----

From: Murphy, Kevin (NOR)  
Sent: Friday, November 09, 2012 09:09 PM  
To: NOR-DL-MSP DEATH NOTIFY GRP  
Subject: Unattended

11/9/12 @ 1830 Tewksbury called to report an unattended death at the Caswell motel. I responded to the scene and met with Det Farnum. The deceased ID as [REDACTED], was found by clerk after not paying his daily rate. Deceased found on floor of bathroom. I spoke with father of decedent. He said his son was in violation of probation after not reporting back to Billerica 12 step alcohol program. He last spoke to his son Tues. Said he was depressed. The decedent was prescribed mult meds however none were found with him. No obvious sign of suicide. There was an empty bottle of whiskey in room. CSSS documented scene. OCME accepted.



**Archived:** Tuesday, March 12, 2019 10:57:53 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Long, MaryBeth (NOR)

**Subject:** RE: From Today's electronic MLW...

**Sensitivity:** Normal

---

A statement of warning to all that I had to deliver to our Lowell team - we don't cut corners and we must be on record with him. He has a penchant for moving court business in ways that are not consistent with our professional approach.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Ryan, Marian (NOR)

**Sent:** Monday, November 19, 2012 3:31 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Re: From Today's electronic MLW...

All still being debated-they expect to have a clearer plan tomorrow-Judge Chernoff is scheduled to handle the 11/27, 28 and 29th sessions.

---

**From:** Leone, Gerard (NOR)

**Sent:** Monday, November 19, 2012 03:29 PM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** RE: From Today's electronic MLW...

It does not appear that any of these special magistrates would come to a JP Lab session, as their powers are apparently very limited.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Ryan, Marian (NOR)

**Sent:** Monday, November 19, 2012 3:25 PM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Re: From Today's electronic MLW...

Judge Chernoff coming here!

---

**From:** Leone, Gerard (DAA) [mailto:gerry.leone@massmail.state.ma.us]  
**Sent:** Monday, November 19, 2012 03:03 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** FW: From Today's electronic MLW...



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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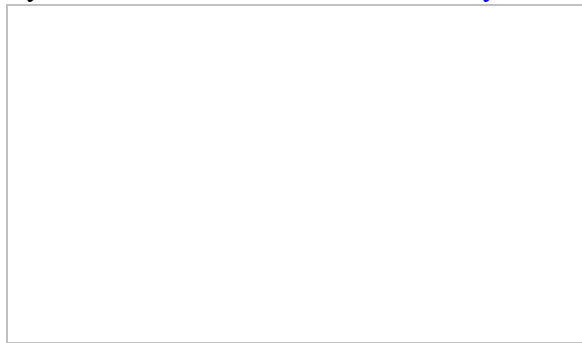
**From:** Conley, Daniel (SUF)  
**Sent:** Monday, November 19, 2012 2:58 PM  
**To:** OKeefe, Michael (CPI)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** From Today's electronic MLW...

## Retired judges to serve as special magistrates in Dookhan scandal

### Rouse turns to infrequently used rule to augment limited resources

Published: 10:04 am Mon, November 19, 2012 10:04 am Mon, November 19, 2012

By Julie McMahon [Massachusetts Lawyers Weekly](#)



Superior Court Chief Justice Barbara J. Rouse has appointed five retired judges to help with the ongoing crisis surrounding the mishandling of evidence by former chemist Annie Dookhan at the Hinton Drug Laboratory in Boston.

Paul A. Chernoff, John C. Cratsley, Elizabeth B. Donovan, Margaret R. Hinkle and Wendie I. Gershengorn, all recently retired, will serve as special magistrates pursuant to Massachusetts Rule of Criminal Procedure 47.

The seldom-used rule permits retired judges to handle discovery, conduct evidentiary hearings, and make proposed findings and rulings. They will not be permitted to take pleas, however.

In an interview with Lawyers Weekly, Rouse said the drug lab crisis is “unprecedented” and unlike anything she has experienced in her nearly three decades on the bench.

The Superior Court recently completed the “first phase” of Dookhan-related matters, Rouse said. Those cases involved motions filed by incarcerated defendants who may have been wrongfully convicted based on evidence handled by the errant chemist.

“Our first concern was addressing the liberty interests of those defendants as quickly as possible,” Rouse said.

Over the last month, Superior Court judges and clerks in Suffolk, Essex, Middlesex, Norfolk, Plymouth, Bristol and Barnstable counties have held approximately 400 hearings, most conducted through video conferences.

But the court is not in a position to take on the next wave of cases without bringing on additional help, Rouse said.

“With the potential universe [of Dookhan cases] almost as large as our existing caseload, it would overwhelm the court,” she said.

The five appointees are not recall judges, Rouse noted. They can continue to work in other jobs and will be paid the same as special masters appointed to handle civil matters.

“I was trying to find a way to augment our limited resources,” Rouse said. “Reading the rules was instructive.”

The court will also bring on retired assistant clerks and law clerks on a temporary basis.

Rouse said there is no way to accurately predict how long the second phase of cases will last.

“What we’ll see in the next couple of months will help us answer that question,” she said. “Motions for a new trial can be filed at any time. There may not be an incentive until some point in the future. There’s no way of telling.”

**Archived:** Tuesday, March 12, 2019 10:58:03 AM

**From:** Leone, Gerard (NOR)

**To:** NOR-DL-ALL MIDDLESEX USERS

**Subject:** Staffing Announcements

**Sensitivity:** Normal

---

I'm pleased to announce two promotions to Superior Court:

**Megan Williams** has been promoted to the **Child Abuse Unit**, effective Monday, November 26, 2012. Since joining the MDAO in 2008, Megan worked in the Cambridge District, Lowell Juvenile and Lowell District Courts before taking on her supervisory role in the Cambridge District Court. Megan is the consummate team player and has been a tremendous asset to the Cambridge District Court team and the entire office, as she has taken full advantage of the full range of opportunities available to her at the District Court level. Congratulations, Megan!

**Kate Hartigan** has been promoted to the **Lowell Superior Court Team**, effective Monday, November 19, 2012. Kate was an ADA in the Essex District Attorney's Office for 6 years prior to her joining the MDAO in April of 2011. She has worked in both the Cambridge and Lowell District Courts, where she gained significant trial experience and assisted other ADAs in becoming jury trial qualified. Kate brings her terrific litigation skills and varied trial experience to Superior Court. Congratulations, Kate!

I am also pleased to welcome **MaryBeth Long** to the **Woburn office**. MaryBeth has joined Marian Ryan and Jodi Walker in their ongoing efforts to handle cases relating to former State Chemist Annie Dookhan and the JP Hinton Lab. MaryBeth has been working in our Lowell office for the past year, and she is a welcome addition to this very busy project. Welcome MaryBeth, and continued thanks to Marian and Jodi for their efforts in dealing with the JP Lab fall out!!

Gerry



*Gerard T. Leone, Jr. | Middlesex District Attorney*

*15 Commonwealth Ave., Woburn, MA 01801*

 | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:58:08 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Cc:** Ramasci, Michelle (NOR)  
**Subject:** Re: Civil Forfeiture - AD / JP Lab matters  
**Sensitivity:** Normal

---

Got it on both, thanks.

I understood that the priority JP Lab cases were both pending cases with persons in custody awaiting trial, and disposed cases where the convict was still in jail, for obvious reasons, and we aren't waiting for motions to be brought forward to check and assess if these types of cases exist.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Sunday, November 25, 2012 04:01 PM  
To: Leone, Gerard (NOR)  
Cc: Ramasci, Michelle (NOR)  
Subject: RE: Civil Forfeiture - AD / JP Lab matters

To be honest, to date, I had only been thinking of reacting to any motions or pleadings on forfeiture cases. Betsy and I are planning to meet soon, and I can certainly add this to the agenda. Thinking off the top of my head, I am not sure that there is a way to accurately inventory disposed/resolved forfeiture matters involving Dookhan. As we identify disposed MDAO Dookhan criminal cases, we can certainly take the next step of seeing if there was disposed property/assets corresponding to that case, but as we talked about, there appear to be several legal reasons why a forfeiture settlement / disposition should not be disturbed even if Dookhan was the chemist and the criminal conviction is at risk, e.g., different burdens of proof.

As to your second question, if I understand you correctly (which I may not be, sorry if I'm missing your point here), we have been looking back somewhat at resolved/dispensed criminal drug cases to see if Dookhan and/or the JP Lab is involved, via, among other ways, our inquiries of MDAO ADAs, working group lists, and inquiries from DCs and Ds. Once we have more staff, we can spend more time looking back at disposed drug cases, regardless of whether any motions are filed.

---

From: Leone, Gerard (NOR)  
Sent: Sunday, November 25, 2012 3:44 PM  
To: Walker, Jodi (NOR)  
Cc: Ramasci, Michelle (NOR)  
Subject: Re: Civil Forfeiture - AD / JP Lab matters

But, regardless of a motion, are we planning to look back at any resolved/dispensed forfeiture matters that are Dookhan and/or JP Lab?  
For that matter, are we planning to do that for drug cases?

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Sunday, November 25, 2012 03:41 PM  
To: Leone, Gerard (NOR)  
Cc: Ramasci, Michelle (NOR)  
Subject: RE: Civil Forfeiture - AD / JP Lab matters

I have re-confirmed with Betsy that there are no motions or pleadings that she is aware of relating to either (1) MDAO pending or (2) MDAO disposed/settled forfeiture cases citing Dookhan and/or JP Lab as grounds for any relief. She will let me know when we get any pleadings raising this as an issue. Still seems quiet on this front.

---

From: Leone, Gerard (NOR)  
Sent: Sunday, November 25, 2012 3:20 PM  
To: Walker, Jodi (NOR)  
Cc: Ramasci, Michelle (NOR)  
Subject: Re: Civil Forfeiture - AD / JP Lab matters

Thank you Jodi.

What about previously settled/disposed matters, where the property has been disposed and distributed, that were JP Lab and/or Chemist Dookhan matters?

----- Original Message -----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
Sent: Sunday, November 25, 2012 03:11 PM  
To: Leone, Gerard (NOR)  
Cc: Ramasci, Michelle (NOR)  
Subject: FW: Civil Forfeiture - AD / JP Lab matters

I will re-confirm tomorrow AM before 10, but to my knowledge and as I left it with Betsy, see below email on 11/14/2012, there are no pending MDAO forfeiture matters with AD / JP Lab as an issue. Please let me know if there is anything I can do to help prior to the interview tomorrow PM.

---

From: Ellis, Sarah (NOR)  
Sent: Wednesday, November 14, 2012 8:42 PM  
To: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ryan, Marian (NOR)  
Cc: Long, MaryBeth (NOR)  
Subject: RE: Civil Forfeiture - AD / JP Lab matters

Thanks!

From: Walker, Jodi (NOR)  
Sent: Wednesday, November 14, 2012 3:56 PM  
To: Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)  
Cc: Long, MaryBeth (NOR)  
Subject: Civil Forfeiture - AD / JP Lab matters

I spoke today with Betsy Barrett. She told me that to date, there have been no filings related to AD or JP Lab, and she will forward asap to me and Marian if /when she receives them. She has received some informal inquiries from DCs as to how we will handle, replying case-by-case assessment after the appropriate motions are filed, which sounded right on message. As a note, she mentioned that typically the rules provide for a 1 yr. time table during which for Ds to file a motion to vacate a forfeiture judgment. Down the road, we will likely have to confirm our policy position on whether or not to assent / object to waiving that 1 yr deadline. I conveyed to Betsy, that at this point we would likely be litigating these issues out. I'll keep you posted.

Thanks – jlw

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office

15 Commonwealth Avenue  
Woburn, MA 01801

(T) [REDACTED]

(F) [REDACTED]

Jodi.Walker@state.ma.us<mailto:Jodi.Walker@state.ma.us>

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**Archived:** Tuesday, March 12, 2019 10:58:22 AM  
**From:** Leone, Gerard (NOR)  
**To:** Guyotte, Stephanie (NOR)  
**Cc:** Wechsler, Pamela (NOR); Ramasci, Michelle (NOR)  
**Subject:** Re: Forfeiture inquiry  
**Sensitivity:** Normal

---

Thanks

---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Wednesday, November 21, 2012 12:15 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR); Ramasci, Michelle (NOR)  
**Subject:** RE: Forfeiture inquiry

Thank you Gerry. I'll work out a specific time with Michelle and get a briefing together.

I agree, I think you can mention the resource need in a positive way, as just part of the overall comments on the significance of this issue overall and how we are addressing it from all sides.

Thanks,  
Stephanie

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, November 21, 2012 12:02 PM  
**To:** Guyotte, Stephanie (NOR)  
**Cc:** Wechsler, Pamela (NOR); Ramasci, Michelle (NOR)  
**Subject:** RE: Forfeiture inquiry

The appearance and those issues you outline would be fine, but the thing I am balancing is whether I want to get into at this point is the resources issue.

On the one hand I want to heighten attention around this need, but on the other hand, as long as we hold out hope and can anticipate getting the resources help from the legislature, we can remain less public on it, but I can make it a dual positive mentioning it as important and expressing confidence and optimism about it.

On balance, I think it is a good opportunity.

I could do before 3 or after 4:30 on Monday.

---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Wednesday, November 21, 2012 11:46 AM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: Forfeiture inquiry

Hi,

I had a good conversation with Kathy Curran. I stressed our priority is the cases over property as well as the different standard of proof.

They are interested in doing story that looks at the forfeitures as "just another layer" of the JP lab scandal. She has asked if you would be willing to do a brief on camera interview, basically, reiterating the comments below which I gave to her on background. She thought our position of prioritizing cases while taking a "cautious approach" before disposing of any assets was good and made sense,



so she is looking for you to say that on the record.

We could set up this interview in our office on Monday afternoon, if you are interested. But, if not, I'm completely fine with declining, as I am not sure you want to start speaking out on camera about the jp lab and the resulting issues.

Let me know what you think.

Thanks!  
Steph

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, November 20, 2012 4:18 PM  
**To:** Guyotte, Stephanie (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Re: Forfeiture inquiry

Good, and can stress that we are talking about property, rather than people's personal liberty being at stake, as far as prioritizing matters.

---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Tuesday, November 20, 2012 04:14 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Forfeiture inquiry

Hi Gerry,

As we had heard from MDAA several weeks back, Channel 5 has been looking into drug forfeitures and how it may be affected by Annie Dookhan.

Kathy Curran from Channel 5 is interested in our office's position on the issue and if we have put things on hold or not proceeded with sales/auctions as a result.

Right now, she is just gathering info and hasn't determined what their story will be. She's looking to have an informal conversation.

I don't think you need to speak directly with her. I think I can have the conversation on your behalf, I just wanted to clarify our position with you and compile appropriate comments. I also talked this through with Pam.

Here's my suggested comments, please let me know what you think.

In terms of money and items seized throughout forfeitures during drug investigations by The Middlesex District Attorney's Office, we can not make any generalizations. Each will be looked at on a case by case basis. Drug forfeitures are held to a lesser standard of proof than a criminal prosecution, and with the other evidence we may have in any case, there is no automatic connection between a forfeited asset and the possibility that the drugs in the case were tainted. We will look at each case and determine if the forfeited asset was connected to illegal drug activity independent of the lab testing of the drugs. We are taking a cautious approach before disposing of any assets because of the unknown and potentially far reaching complications from the compromised lab.

The Middlesex District Attorney's Office has set up a team of senior counsel, ADAs, and paralegals to address pending and disposed cases in which chemist Annie Dookhan was involved. This team is working full time on these cases and the special court sessions that have began in Superior and District courts. Our priority today is to ensure that each case affected by this compromised lab is reviewed in the best interest of justice.

Thanks,  
Stephanie

Stephanie Chelf Guyotte  
Deputy Director of Communications  
Office of Middlesex District Attorney Gerry Leone

**Press line:** [REDACTED]  
Office line: [REDACTED]  
Cell phone: [REDACTED]

**Archived:** Tuesday, March 12, 2019 10:58:25 AM

**From:** Leone, Gerard (NOR)

**To:** Pelgro, Michael (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR)

**Cc:** Guyotte, Stephanie (NOR)

**Subject:** Re: WCVB Interview Briefing

**Sensitivity:** Normal

---

Thanks Mike.

Good info re: cars.

---

**From:** Pelgro, Michael (NOR)

**Sent:** Wednesday, November 21, 2012 02:27 PM

**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Ellis, Sarah (NOR); Wechsler, Pamela (NOR)

**Cc:** Guyotte, Stephanie (NOR)

**Subject:** RE: WCVB Interview Briefing

Looks good.

As you know, we have delayed the car auction because of the implications of this problem.

It does impact us in other types of forfeitures, such as seized cash sitting in various vaults, but I don't think you want to go into specifics.

I have asked Betsy Barrett to coordinate with Chris Irwin to see if there is a way in which we can isolate Hinton Lab-related assets from the universe of seized assets.



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)

 (direct)

(fax)

(cell)

---

**From:** Leone, Gerard (NOR)

**Sent:** Wednesday, November 21, 2012 1:35 PM

**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Cc:** Guyotte, Stephanie (NOR)

**Subject:** Fw: WCVB Interview Briefing

Fyi. Thoughts? No need to review all or in depth.

---

**From:** Guyotte, Stephanie (NOR)

**Sent:** Wednesday, November 21, 2012 01:22 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ramasci, Michelle (NOR)

**Subject:** WCVB Interview Briefing

Hi Gerry,

We are confirmed for you to do an on camera interview at 1 p.m. on Monday, November 26 with WCVB Channel 5 reporter Kathy Curran. We will do this interview in your conference room. Please see the briefing memo attached and let me know if you have any questions in advance.

Thanks!  
Stephanie

Stephanie Chelf Guyotte  
Deputy Director of Communications  
Office of Middlesex District Attorney Gerry Leone

**Press line:**

Office line:

Cell phone:

**Archived:** Tuesday, March 12, 2019 10:58:34 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Subject:** FW: Patrick meets with top Legislators on supplemental budget  
**Sensitivity:** Normal

---

fyi Tara



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Guyotte, Stephanie (NOR)  
**Sent:** Monday, November 26, 2012 4:38 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Patrick meets with top Legislators on supplemental budget

FYI, from State House News Service:

STATE CAPITOL BRIEFS – AFTERNOON EDITION – MONDAY, NOV. 26, 2012  
STATE HOUSE NEWS SERVICE

PATRICK, TOP LEGISLATORS MEET FOR FIRST TIME SINCE JULY

Gov. Deval Patrick headed Monday into his first formal meeting in months with House Speaker Robert DeLeo and Senate President Therese Murray, seeking a commitment from both leaders to take up the \$30 million spending request he filed weeks ago to address costs associated with the fallout from the Hinton drug lab scandal. "I've talked to them in between our legislative meetings, so this isn't the first conversation we'll have, but I hope we can get a commitment to act on that quickly," Patrick told reporters outside his office before the meeting. The three Democrats have not met formally, which they had done on a near-weekly basis, since July 24, a week before the Legislature ended its formal sessions for the year. Patrick said the supplemental budget he filed on Nov. 1 to cover costs associated with reviewing and handling drug cases in the aftermath of evidence tampering by a state chemist was "on my agenda." "That is something where we think the Legislature needs to act and act soon. We've been able to manage those cost so far, but we're going to need those additional funds to deal with all of the consequences at the municipal and at the state agency level and I think the legislative leadership are sensitive to that," Patrick said. Faced with tax collections that have missed the state's projections for the first quarter of the fiscal year by more than \$250 million, Patrick said he would wait until he received a report on November receipts before determining whether to make mid-year budget cuts. "We're going to wait until we get this month's month end or complete month information before we make any decisions but we've managed this sort of thing before, as you know, and we will make those decisions if we have to make them strategically and in a way that enables us to continue growing and as best as possible to provide the services that people count on," Patrick said. Waiting in the hall for Patrick were about a dozen human service providers who came to ask Patrick to release funds from the \$20 million salary reserve passed by the Legislature over the summer. Michael Weekes, president of the Provider's Council, said Patrick froze the account after October revenues plummeted as a budget management tool, and said low-wage community health providers feel it is unfair that they are being targeted. "It feels like they're being singled out . . . " Weekes said. "We're not sure it's actually going to come at all. Right now it's delayed, but a delay can also be harmful." Patrick denied that he had frozen the account and said final decisions about potential budget cuts have not been made. "We haven't frozen any salary reserve. We have all kinds of steps we've taken in anticipation of potential budget cuts because revenue has slowed down but we haven't made any final decisions. I understand the sensitivity about those issues and the sensitivity of some of the folks who are here. And we appreciate that you are here, but those decisions aren't made," Patrick said. Told that the providers said he was blocking the release of the funding, Patrick said, "I understand what they're saying. I'm telling you what reality is." - M. Murphy/SHNS

**Archived:** Tuesday, March 12, 2019 10:58:38 AM

**From:** Leone, Gerard (NOR)

**To:** Widmayer, Chief Frank J. III

**Cc:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Gentile, Joe (NOR)

**Subject:** Re: Annie Dookhan DPH Evidence Issues

**Sensitivity:** Normal

---

Thanks Frank. Very helpful.

---

**From:** Frank Widmayer [mailto:fwidmayer@acton-ma.gov]

**Sent:** Tuesday, November 27, 2012 02:45 PM

**To:** Leone, Gerard (NOR)

**Subject:** Annie Dookhan DPH Evidence Issues

Gerry,

Sometime after the issues about DPH handling of evidence became apparent I tasked Chris Browne, my evidence officer to go through the files and tell me how many evidence samples we had that might be affected. He spent a lot of time and effort on it and came up with a list that I have gone through myself to get an idea of the size of the problem for our department.


It appears that we have 704 evidence samples that were sent to DPH from 2003 through 2009. Of those, there were 94 that had Annie Dookhan's name on the certificates. I have more information but it's a long list and I haven't been able to get through it all yet. I thought you might be interested in the information or at least hearing about the scope of the problem for my department.

Feel free to pass it along to others in your office if you think it might be helpful.

Regards,

Frank

Frank J. Widmayer III

Chief of Police  


**Archived:** Tuesday, March 12, 2019 10:58:42 AM  
**From:** Leone, Gerard (NOR)  
**To:** Walker, Jodi (NOR)  
**Subject:** Re: Civil Forfeiture - AD / JP Lab matters  
**Sensitivity:** Normal

---

Thx!

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Sunday, November 25, 2012 04:30 PM  
To: Leone, Gerard (NOR)  
Subject: Re: Civil Forfeiture - AD / JP Lab matters

A qualified yes sounds accurate. We will be able to do more soon. Thanks.

Sent from my iPhone

On Nov 25, 2012, at 4:19 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Got it, thanks.  
> The Head of CPCS, the ACLU and others keep asking whether prosecutors are being affirmative in looking for cases where the integrity is compromised.  
> I guess we can say, yes, but that is qualified.

>

> ----- Original Message -----

> From: Walker, Jodi (NOR)  
> Sent: Sunday, November 25, 2012 04:14 PM  
> To: Leone, Gerard (NOR)  
> Cc: Ramasci, Michelle (NOR)  
> Subject: RE: Civil Forfeiture - AD / JP Lab matters

>

> Thanks. That is right, for sure, but the courts have been requiring DCs to file motions in order to get the ball rolling on the issues. Some DCs are electing not to pursue the issues now for a variety of reasons.

>

> From: Leone, Gerard (NOR)  
> Sent: Sunday, November 25, 2012 4:08 PM  
> To: Walker, Jodi (NOR)  
> Cc: Ramasci, Michelle (NOR)  
> Subject: Re: Civil Forfeiture - AD / JP Lab matters

>

> Got it on both, thanks.  
> I understood that the priority JP Lab cases were both pending cases with persons in custody awaiting trial, and disposed cases where the convict was still in jail, for obvious reasons, and we aren't waiting for motions to be brought forward to check and assess if these types of cases exist.

>

>

> ----- Original Message -----

> From: Walker, Jodi (NOR)  
> Sent: Sunday, November 25, 2012 04:01 PM  
> To: Leone, Gerard (NOR)  
> Cc: Ramasci, Michelle (NOR)  
> Subject: RE: Civil Forfeiture - AD / JP Lab matters

>  
> To be honest, to date, I had only been thinking of reacting to any motions or pleadings on forfeiture cases. Betsy and I are planning to meet soon, and I can certainly add this to the agenda. Thinking off the top of my head, I am not sure that there is a way to accurately inventory disposed/resolved forfeiture matters involving Dookhan. As we identify disposed MDAO Dookhan criminal cases, we can certainly take the next step of seeing if there was disposed property/assets corresponding to that case, but as we talked about, there appear to be several legal reasons why a forfeiture settlement / disposition should not be disturbed even if Dookhan was the chemist and the criminal conviction is at risk, e.g., different burdens of proof.

>  
> As to your second question, if I understand you correctly (which I may not be, sorry if I'm missing your point here), we have been looking back somewhat at resolved/disposed criminal drug cases to see if Dookhan and/or the JP Lab is involved, via, among other ways, our inquiries of MDAO ADAs, working group lists, and inquiries from DCs and Ds. Once we have more staff, we can spend more time looking back at disposed drug cases, regardless of whether any motions are filed.

>  
>  
>  
> \_\_\_\_\_  
> From: Leone, Gerard (NOR)  
> Sent: Sunday, November 25, 2012 3:44 PM  
> To: Walker, Jodi (NOR)  
> Cc: Ramasci, Michelle (NOR)  
> Subject: Re: Civil Forfeiture - AD / JP Lab matters

>  
> But, regardless of a motion, are we planning to look back at any resolved/disposed forfeiture matters that are Dookhan and/or JP Lab?

> For that matter, are we planning to do that for drug cases?

>  
>  
> ----- Original Message -----  
> From: Walker, Jodi (NOR)  
> Sent: Sunday, November 25, 2012 03:41 PM  
> To: Leone, Gerard (NOR)  
> Cc: Ramasci, Michelle (NOR)  
> Subject: RE: Civil Forfeiture - AD / JP Lab matters

>  
> I have re-confirmed with Betsy that there are no motions or pleadings that she is aware of relating to either (1) MDAO pending or (2) MDAO disposed/settled forfeiture cases citing Dookhan and/or JP Lab as grounds for any relief. She will let me know when we get any pleadings raising this as an issue. Still seems quiet on this front.

>  
> \_\_\_\_\_  
> From: Leone, Gerard (NOR)  
> Sent: Sunday, November 25, 2012 3:20 PM  
> To: Walker, Jodi (NOR)  
> Cc: Ramasci, Michelle (NOR)  
> Subject: Re: Civil Forfeiture - AD / JP Lab matters

>  
> Thank you Jodi.  
> What about previously settled/disposed matters, where the property has been disposed and distributed, that were JP Lab and/or Chemist Dookhan matters?

>  
> ----- Original Message -----  
> From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]  
> Sent: Sunday, November 25, 2012 03:11 PM  
> To: Leone, Gerard (NOR)  
> Cc: Ramasci, Michelle (NOR)  
> Subject: FW: Civil Forfeiture - AD / JP Lab matters

>



>  
> I will re-confirm tomorrow AM before 10, but to my knowledge and as I left it with Betsy, see below email on 11/14/2012, there are no pending MDAO forfeiture matters with AD / JP Lab as an issue. Please let me know if there is anything I can do to help prior to the interview tomorrow PM.

>  
> \_\_\_\_\_  
> From: Ellis, Sarah (NOR)  
> Sent: Wednesday, November 14, 2012 8:42 PM  
> To: Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ryan, Marian (NOR)  
> Cc: Long, MaryBeth (NOR)  
> Subject: RE: Civil Forfeiture - AD / JP Lab matters

>  
> Thanks!

>  
> From: Walker, Jodi (NOR)  
> Sent: Wednesday, November 14, 2012 3:56 PM  
> To: Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)  
> Cc: Long, MaryBeth (NOR)  
> Subject: Civil Forfeiture - AD / JP Lab matters

>  
> I spoke today with Betsy Barrett. She told me that to date, there have been no filings related to AD or JP Lab, and she will forward asap to me and Marian if /when she receives them. She has received some informal inquiries from DCs as to how we will handle, replying case-by-case assessment after the appropriate motions are filed, which sounded right on message. As a note, she mentioned that typically the rules provide for a 1 yr. time table during which for Ds to file a motion to vacate a forfeiture judgment. Down the road, we will likely have to confirm our policy position on whether or not to assent / object to waiving that 1 yr deadline. I conveyed to Betsy, that at this point we would likely be litigating these issues out.  
> I'll keep you posted.

>  
> Thanks – jlw

>  
>  
> Jodi Walker  
> Legal Counsel to District Attorney Gerry Leone  
> Middlesex District Attorney's Office  
> 15 Commonwealth Avenue  
> Woburn, MA 01801  
> (T) [REDACTED]  
> (F) [REDACTED]  
> Jodi.Walker@state.ma.us<mailto:Jodi.Walker@state.ma.us>

>  
>  
>  
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**Archived:** Tuesday, March 12, 2019 10:58:44 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Cc:** Maguire, Tara (DAA); 'jonathan.blodgett@state.ma.us'; Conley, Daniel (SUF)  
**Subject:** Re: DRUG LAB SPECIAL COUNSEL MOVES ON TO FILE-BY-FILE REVIEW  
**Sensitivity:** Normal

---

Thanks Mike

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Tuesday, November 27, 2012 02:31 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Maguire, Tara (DAA); jonathan.blodgett@state.ma.us <jonathan.blodgett@state.ma.us>; Conley, Daniel (SUF)  
**Subject:** Re: DRUG LAB SPECIAL COUNSEL MOVES ON TO FILE-BY-FILE REVIEW

In our written submission we tracked the areas of inquiry identified in the invitation (see attachment G from tomorrows agenda )However when questioned we will reiterate the info contained in our letter to the Governor and cc'd to the legislative leadership re resources needed for us to do the job of fixing the problem. (See attachment B.)

Sent from my iPhone

On Nov 27, 2012, at 2:14 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

What is our strategy around Wed.'s hearings that are referred to below?

Thanks.

I did a Channel 5 interview last night on the drug forfeiture aspect of this mess, underscoring need for resources while embracing and commending the legislature and how "good they've been to us".

---

**From:** Guyotte, Stephanie (NOR)  
**Sent:** Tuesday, November 27, 2012 01:54 PM  
**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Long, MaryBeth (NOR)  
**Subject:** FW: DRUG LAB SPECIAL COUNSEL MOVES ON TO FILE-BY-FILE REVIEW

FYI:

DRUG LAB SPECIAL COUNSEL MOVES ON TO FILE-BY-FILE REVIEW  
By Matt Murphy STATE HOUSE NEWS SERVICE

BOSTON, NOV. 27, 2012.... Gov. Deval Patrick on Tuesday authorized a file-by-file review of cases processed by the Hinton state drug laboratory over the past nine years to make sure no individuals have been overlooked by the state's probe of those impacted by an indicted chemist's alleged mishandling of evidence.

"That may take some time," said David Meier, the attorney appointed by Patrick to lead a new office tasked with linking the 60,000 samples touched by former chemist Annie Dookhan over her career with specific cases.

Meier, meeting with reporters in a makeshift "central office" where he has been working for the past two months, said he and his team met with Patrick Tuesday morning to discuss winding down the first phase of his work and moving to a case-by-case analysis of the lab files.

Meier is scheduled to join senior State Police, Patrick administration officials and district attorneys Wednesday to testify before three legislative committees conducting oversight hearings. He plans to file a letter with the governor later Tuesday summarizing his work to date.

Meier said his team has identified close to 10,000 individuals so far whose cases may have been impacted by the alleged conduct of Dookhan, who has admitted, according to police reports, to altering some drug samples while testing at the lab.

About 2,000 individuals have been identified since Meier started his work in September who were either incarcerated in a state prison, county jail or house of correction on drug charges, or being held on bail awaiting trial in state or federal court. Those presently in custody were deemed the top priority by the administration.

More than 7,000 more people whose cases were handled by Dookhan are on parole, probation or were previously convicted in Superior Court or found delinquent in Juvenile Court, according to Meier. Previous convictions of individuals who have already served their sentences accounted for roughly 3,000 of those cases.

Meier said a remaining focus of his work is to identify those not currently involved with the justice system, and should include those previously convicted in district or Boston Municipal Court. At the outset of the review, public health officials identified a preliminary list of about 34,000 cases worked on by Dookhan during her career.

The central office has also been able to identify some individuals convicted on multiple charges, including at least one drug offense, and is still working with the court system to gather additional information on these people.

The file-by-file review will attempt to find any individuals who might have been missed in that initial scrape of the lab's documents that showed Dookhan to have worked on roughly 34,000 cases between 2003 and 2012, all of which could be compromised by her conduct.

"The system is working and to the extent that there have been alleged wrongs committed, prosecutors and defense attorneys have been working to bring those before a judge," Meier said.

About 400 cases have already been brought before judges in Suffolk County alone, said Meier. He did not have an estimate of how many of those individuals were released following their court proceedings.

Meier is slated to testify Wednesday at an oversight hearing before the House committees on public health, public safety and post audit and oversight. Meier said anticipating the cost to the state of processing all these cases handled by Dookhan between 2003 and 2012 was beyond his purview.

Patrick has filed a request with the Legislature for \$30 million to cover some of the initial costs, but those are expected to grow and the governor's finance advisors say the funding request may only cover the next few months.

The governor filed the bill on Nov. 1, but the House and Senate have yet to act and leaders say they are discussing whether it will be possible to accomplish during informal sessions scheduled to run until January.

Meier said he hopes to complete the second phases of his work within the next three to four months, but said the timeframe would depend, in part, on what investigators find.

"We're going to have to go through most if not all of the files at the lab," Meier said.

The attorney general is conducting a separate criminal investigation, and the inspector general is conducting a review of the lab's operations.

**Archived:** Tuesday, March 12, 2019 10:58:48 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Subject:** Dookhan  
**Sensitivity:** Normal

---

Have we had any defense requests, court orders for her emails?  
Any disclosures of such?  
I'm at MDAA.

**Archived:** Tuesday, March 12, 2019 10:58:53 AM

**From:** Leone, Gerard (NOR)

**To:** Maguire, Tara (DAA)

**Subject:** Fw: JP Lab: Governor Patrick says public defenders' estimate of drug lab scandal costs is overblown

**Sensitivity:** Normal

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Wednesday, November 28, 2012 12:17 PM

**To:** Leone, Gerard (NOR); 'Marian.Ryan@state.ma.us' <Marian.Ryan@state.ma.us>; 'Jodi.Walker@state.ma.us' <Jodi.Walker@state.ma.us>; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** JP Lab: Governor Patrick says public defenders' estimate of drug lab scandal costs is overblown

**Governor Patrick says public defenders' estimate of drug lab scandal costs is overblown**

**By Michael Levenson and Noah Bierman, boston.com, November 28, 2012**

<http://www.boston.com/metrodesk/2012/11/28/governor-patrick-says-public-defenders-estimate-drug-lab-scandal-costs-overblown/iAWYFiIrVH74uVfdiOLbTO/story.html>

- Governor Deval Patrick said this morning that the state public defender agency's \$332 million estimate of the drug lab scandal's added costs is overblown.
- Patrick said the agency's estimate is based on the cost of having to retry everyone convicted on drug evidence tested by the state's tainted lab over the past nine or 10 years — or about 190,000 cases.
- "That's not the universe of cases," Patrick said, putting the number closer to 34,000. "There's no evidence to suggest that that's going to be required."
- The Committee for Public Counsel Service's projection, reported in today's Globe, is detailed in a budget request directed to the Patrick administration, to handle the effects of the drug scandal linked to chemist Annie Dookhan, who, according to State Police, has said she falsified drug test results.
- Patrick, on his monthly radio show on WTKK-FM, asserted that the agency's requests have continually been exaggerated.
- "I will say they have come down from the half a billion dollars they were asking for," he said with a chuckle.

**Archived:** Tuesday, March 12, 2019 10:59:01 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Ryan, Marian (NOR)

**Cc:** Ellis, Sarah (NOR); 'gerard.leone@state.ma.us'; Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Re: Dookhan

**Sensitivity:** Normal

---

Fyi

DPH is considering releasing Dookhan emails. Bwo discovery.

AGO objecting until their investig is over (2 weeks)

DAOs objecting to no ability for our redaction.

----- Original Message -----

From: Walker, Jodi (NOR)

Sent: Wednesday, November 28, 2012 11:33 AM

To: Leone, Gerard (NOR); Ryan, Marian (NOR)

Subject: RE: Dookhan

There have definitely been no court orders for her emails, to my knowledge.

There may be a line boilerplate request in the DC's motions for her emails - those DC boilerplates change all the time though. To my knowledge no request for them - to the extent they may even be in a broader discovery request -- has been acted on or pushed in MDAO.

Jodi Walker

Legal Counsel to District Attorney Gerry Leone

Middlesex District Attorney's Office

15 Commonwealth Avenue

Woburn, MA 01801

(T) [REDACTED]

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Jodi.Walker@state.ma.us

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-----Original Message-----

From: Leone, Gerard (DAA) [<mailto:gerry.leone@massmail.state.ma.us>]

Sent: Wednesday, November 28, 2012 11:29 AM

To: Ryan, Marian (NOR); Walker, Jodi (NOR)

Subject: Dookhan

Have we had any defense requests, court orders for her emails?

Any disclosures of such?

I'm at MDAA.

**Archived:** Tuesday, March 12, 2019 10:59:03 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Subject:** Re: JP Lab Resource\$ - Globe page one story today  
**Sensitivity:** Normal

---

Thanks Tara.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, November 28, 2012 10:01 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP Lab Resource\$ - Globe page one story today

DA Leone,

Thanks. Jen printed copies of the Globe story to have on hand at today's meeting.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, November 28, 2012 9:04 AM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); 'Jodi.Walker@state.ma.us'; 'Marian.Ryan@state.ma.us'; Long, MaryBeth (NOR); Irwin, Chris (NOR)  
**Subject:** JP Lab Resource\$ - Globe page one story today

#### **Cost soars in Mass. drug lab scandal**

**Defending the thousands affected by suspect evidence could take \$332m, state agency says**

**By John R. Ellement, Boston Globe, November 28, 2012**

<http://bostonglobe.com/metro/2012/11/28/official-says-state-lab-scandal-has-impacted-people-probe-expand/ltlPg8txh2EDrWPSMeq7FN/story.html>

- **The state's public defender agency** estimates it could need up to **\$332 million** to represent thousands of people who faced criminal penalties or civil sanctions based on evidence potentially tainted at the now-closed state drug laboratory in Jamaica Plain.
- The Committee for Public Counsel Services developed the budget projection as it seeks money from the Patrick administration to deal with the fallout from the drug lab scandal linked to chemist Annie Dookhan, who allegedly told State Police she falsified results.
- The scale of the scandal came into sharper focus Tuesday when the attorney leading a state investigation into the drug lab, ordered by Governor Deval Patrick, provided the latest figures on how many people might be affected.
- Boston attorney David Meier said his team has identified at least 10,000 people so far who were prosecuted based on drug testing conducted by Dookhan during the nine years she worked at the Department of Public Health lab.
- Meier stressed that even more people could be affected because his team has not completed its inquiry into prosecutions in the district court and the Boston Municipal Court system, where most drug cases are prosecuted in the state's criminal justice system.
- A two-page budget proposal from the public defender agency, obtained by the Globe, sketches out an even direr scenario. The Committee for Public Counsel Services concludes that it needs \$12.5 million right now to deal with Dookhan-related litigation and that it will need \$62.5 million to deal with the estimated 35,000 criminal cases in which Dookhan played a role in testing

seized substances that were suspected of being contraband.

- But the public defender agency projects it could need as much as \$332 million because the allegations against Dookhan could call into question every drug test performed at the Department of Public Health lab, regardless of whether Dookhan was directly involved.
- Lisa Hewitt, general counsel for the agency, said the \$332 million is an estimate that assumes each of the 190,000 cases handled at the lab since 2003 would have to be litigated and that an attorney would have to be assigned to represent each defendant. Hewitt said many of the cases could be resolved if prosecutors chose to dismiss the charges.
- Hewitt said the estimate includes money to pay private attorneys to handle cases, hire translators and investigators, and train lawyers in navigating the complex legal questions raised by the unprecedented scandal.
- "This is the worst-case scenario," Hewitt said. ". . . We do not want this to come to pass. But we do believe it is in our scope of responsibility to find these clients."
- Hewitt said the public defender agency, when required by law, will represent indigent clients in probate and family court, where they have lost, or may lose, parental rights because of what may be declared unlawful convictions. Spending on those cases would be in addition to the \$332 million, she said.
- "There are a lot of really, really massive problems with this situation," Hewitt said.
- Also Tuesday, Cape and Islands District Attorney Michael O'Keefe, the incoming president of the **Massachusetts District Attorneys Association**, said prosecutors have finalized their budget request and believe **they need \$12.7 million** for more prosecutors, support staff, and in some cases, office space and computers, for all Dookhan-related cases.
- O'Keefe declined to comment on the request from the public defender agency.
- He said **prosecutors may need more money, depending on what ongoing investigations unearth.**
- Suffolk District Attorney Daniel F. Conley's office said Tuesday that 110 imprisoned defendants convicted in drug cases involving Dookhan have had their sentences put on hold in Suffolk Superior Court. About 40 defendants being prosecuted in the Boston Municipal Court system have also had sentences put on hold.
- Meier, the attorney leading the Patrick-initiated investigation of the scandal, said the governor expanded Meier's duties Tuesday to include a hand search of the case files prepared by Dookhan when she worked at the lab.
- Meier's team has been reviewing databases provided by the State Police, Department of Public Health, state's courts, state prosecutors, and public defender agency. But that data has errors in it, and now the governor wants Meier's team to study the actual paperwork that underlies the databases.
- "I like to refer to it as a file-by-file review of every file at the Jamaica Plain laboratory, with the object being we should leave no file unturned to determine which files, which cases, and most important, which defendants Miss Dookhan may have touched," Meier said.
- **Meier's inquiry will be conducted in parallel with an investigation into the drug lab led by Inspector General Glenn Cunha and alongside Attorney General Martha Coakley**, whose office is conducting a criminal investigation that has led to obstruction of justice charges against Dookhan.
- Dookhan, who lives in Franklin, has pleaded not guilty in Boston Municipal Court to two counts of obstruction of justice and to an accusation she falsified her academic credentials. She remains free pending trial.



- In court papers, Coakley's office said it expects a grand jury investigating the drug lab to return indictments against Dookhan before her next scheduled court date, Dec. 20, in Boston Municipal Court.
- The Patrick administration has asked lawmakers for \$30 million to pay for Dookhan-related costs between now and February that are incurred by county prosecutors, the court system, local governments, the public defender agency, and social services agencies.
- The administration has said it is open to seeking more money once more is learned about the damage to the criminal justice system that can be linked to Dookhan and the state lab.



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801

[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 10:59:16 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us'; 'gerard.leone@state.ma.us'

**Subject:** JP Lab: Boston Herald FOIA request

**Sensitivity:** Normal

**Attachments:**

[image002.wmz](#); [image008.wmz](#); [image014.wmz](#);

---

**From:** Zaroulis, Alex (ANF)

**Sent:** Wednesday, November 28, 2012 12:59 PM

**To:** Zaroulis, Alex (ANF)

**Subject:** Boston Herald FOIA request

Please be advised that your submission to the Executive Office of Administration and Finance regarding Hinton State Laboratory Cost Estimates was produced in response to a FOIA request from the Boston Herald.



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE FOR

ADMINISTRATION AND FINANCE

STATE HOUSE • ROOM 373

BOSTON, MA 02133

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR  
JAY GONZALEZ  
SECRETARY

to: District Attorneys  
Attorney General Martha Coakley  
Chief Justice Robert Mulligan  
Court Administrator Harry Spence  
Chief Counsel Anthony Benedetti  
Secretary Mary Beth Heffernan  
Secretary Judy Ann Bigby  
Special Counsel David Meier

From: Secretary Jay Gonzalez

TEL: (617) 727-2040  
FAX: (617) 727-2779  
[www.mass.gov/anf](http://www.mass.gov/anf)

Date: September 27, 2012

Re: **Hinton State Laboratory Cost Estimates**

As part of Governor Patrick's commitment to work with and support all affected parties to promptly identify and address the impacts of the breach at the Hinton State Laboratory, we need your help in developing an initial assessment of the nature and amount of costs that your agency may incur in connection with this effort. While we understand that the scope of work and related costs cannot be estimated with precision at this time, please provide me with the following information by not later than October 24, 2012 in order for us to develop a preliminary understanding of your potential funding needs:

- 1) A description of the scope, nature and timing of the anticipated work required of your agency in connection with this effort;
- 2) A description of your plan to perform this additional work, including the information, methodology, and analysis that support this resource plan; and
- 3) An estimate of costs necessary to perform this additional work, together with the anticipated times at which such costs will be incurred and all underlying assumptions and calculations used in developing such cost estimates.

Because this effort is one-time in nature, I expect the funding and budgeting of the costs associated with it to be handled accordingly by the Administration and Legislature. In order to ensure that any costs you incur in connection with this effort are eligible for funding, please make sure to properly record and account for any such costs in a manner that clearly identifies them as related to the drug lab breach and retain all records necessary to support such designations. In the event that your agency has begun or will begin incurring unexpected and previously non-budgeted costs prior to the availability of any supplemental appropriation, please contact your fiscal analyst in my office for help in ensuring that temporary funding is made available from existing appropriations in anticipation of future reimbursement. A&F budget staff will also reach out to your budget staff following issuance of this memorandum to provide additional guidance.

Thank you in advance for your collaboration and cooperation in addressing this important matter.

Alex Zaroulis  
Director of Communications  
Executive Office of Administration and Finance  
Office [REDACTED]  
Cell [REDACTED]  
Visit our website: [Mass.Gov/ANF](http://Mass.Gov/ANF)  
Follow us on Twitter: [@massANF](https://twitter.com/massANF)

**Archived:** Tuesday, March 12, 2019 10:59:19 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** JP LAB, Koziol, Christopher: Morning Office Clips: November 29, 2012  
**Sensitivity:** Normal

---

Tara:  
I will send you select cases that are noteworthy, in case it is helpful to you.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[www.middlesexda.com](http://www.middlesexda.com)

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## **Lowell convict to walk in wake of lab fiasco**

**By Lisa Redmond, Lowell Sun, November 29, 2012**

[http://www.lowellsun.com/local/ci\\_22088921/lowell-convict-walk-wake-lab-fiasco](http://www.lowellsun.com/local/ci_22088921/lowell-convict-walk-wake-lab-fiasco)

- WOBURN -- Handcuffed by the possibility of tainted drug evidence linked to the state drug-lab scandal, prosecutors say they were forced to agree to the early release from prison of a Lowell man described as having a "horrendous" criminal record of violent, drug-related crimes.
- Christopher Koziol should be back on the streets of Lowell within a day or so after the Middlesex District Attorney's Office on Wednesday agreed to drop the drug charges for which he has served about five years of an 8-to 9-year state-prison sentence in a Lowell drug case.
- In Middlesex Superior Court, prosecutor Marian Ryan said former state chemist Annie Dookhan was the primary chemist who analyzed the drug samples in Koziol's 2008 conviction for possession of cocaine with intent to distribute. The possible tainting of that evidence by Dookhan and her inability to testify at a new trial "compromised" the ability of prosecutors to retry the case, Ryan said.
- Koziol's case is one of several dozen Middlesex County drug cases -- a handful of those are based in the Lowell area -- on the current list for possible review.
- State police say Dookhan handled more than 60,000 samples involving 34,000 drug cases statewide during her nine-year tenure at the Hinton lab in Jamaica Plain. She resigned in March during an internal investigation by the state Department of Public Health, which ran the lab until state police took over July 1 as part of a budget directive.
- As recently as Tuesday, Gov. Deval Patrick ordered a "file-by-file review" of every case associated with Dookhan.
- The Middlesex District Attorney's Office used the Hinton lab in Jamaica Plain from 2003 to 2009 before sending its drug samples to the State Police lab in Sudbury.
- Koziol, then 36, was arrested by Lowell police on May 20, 2007, when he was allegedly caught with heroin and cocaine during a traffic stop on the Lord Overpass in Lowell.
- Ryan said Koziol, who has been in and out of either prison or jail since 1995, has a "horrendous record of violent crimes," including 41 prior convictions, including arrests for armed assault, assault and battery, possession of cocaine and distribution of heroin.
- Upon his release from prison, Koziol is now on three year's probation as part of his "global plea" in 2008 that wrapped up

all of his pending cases.

- Ryan agreed to drop the case, allowing Koziol to be released from prison, if, as part of his three years probation, some conditions that weren't originally part of his probation would be added.
- She described it "as a matter of public safety."
- Ryan asked that while on probation, Koziol submit to a drug evaluation and possible treatment; agree to random drug screens; maintain employment or a school; comply with a lifetime restraining order against him and abide by a 10 p.m. to 6 a.m. curfew.
- Defense attorney Richard Farrell refused the additional conditions, saying the case linked to Dookhan has nothing to do with the other cases for which he will be on probation, so prosecutors shouldn't be able to use probation conditions as a bargaining tool to drop the Dookhan-related case.
- "What the commonwealth is trying to do is change the terms of the game halfway through," Farrell said.
- But Ryan argued that given Koziol's criminal record, "I believe he will be involved in drugs. Drugs always accompanied his violent offenses. That is the concern."
- Judge Kathe Tuttman agreed with Ryan, somewhat.
- "Given the circumstances of the underlying cases and the shorter time in prison, random screens would be a reasonable condition of probation," Tuttman said.
- Although initially against the additional conditions, Koziol agreed to Tuttman's conditions of probation to include a drug evaluation and treatment if necessary, and random drug screens weekly.
- Within 24 hours of his return to Lowell, Koziol is required to report to the Probation Department at Lowell Superior Court.
- Koziol showed no emotion at being told he would be freed within a day or so.

**Archived:** Tuesday, March 12, 2019 10:59:29 AM

**From:** Leone, Gerard (NOR)

**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** Fw: Globe drug lab editorial

**Sensitivity:** Normal

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Monday, December 03, 2012 11:07 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Cc:** Long, MaryBeth (NOR)

**Subject:** Globe drug lab editorial

**State makes progress on legal mess from drug lab**

**Editorial, Boston Globe, December 03, 2012**

<http://www.bostonglobe.com/opinion/editorials/2012/12/03/mass-makes-progress-cleaning-cases-compromised-drug-lab-chemist-annie-dookhan/OBZHnp3iCVWsGhOYP5ZIWK/story.html?event=event12>

- Just a few months ago, faith in the Massachusetts criminal justice system was at an all-time low. At a state lab in Jamaica Plain, the alleged misconduct of an unprincipled chemist, coupled with managerial ineptitude, had led to the possible tainting of an estimated 60,000 drug samples. Simply identifying all the cases that might have hinged on now-dubious drug tests — never mind resolving those cases — seemed beyond the ability of state officials. Yet there is strong evidence already that the criminal justice system is working effectively to redeem its reputation and rectify injustices.
- This week, the attorney in charge of sorting out the mess for the Patrick administration reported finishing the first phase of the investigation after just six weeks on the job. David Meier, a respected former prosecutor, said that he and his staff of about a dozen have identified 10,000 individuals who were prosecuted based on evidence supplied by disgraced chemist Annie Dookhan. That number is sure to climb. But Meier said that his first duty was to tackle high-priority cases, including about 2,000 individuals who were imprisoned or held on bail based on questionable evidence. Judges already have released scores of individuals.
- Meier isn't pretending that the task ahead will be easy. So far, his analysis has relied mainly on reviews of several law enforcement, court, and public health databases. But he found too many inconsistencies, including misspellings of suspects' names, to rely solely on electronic searches. Therefore, he has sought and received Governor Patrick's permission to conduct a file-by-file review of lab documentation to ensure that every case touched by Dookhan is identified. Meier hopes to complete the task in about three months.
- Identifying all compromised cases is only the first step; the next step, deciding how to resolve them, is up to the court system. In some cases, sentence reductions, new trials, or even the outright dismissal of charges may be in order. Public defenders are tossing around a huge figure — \$332 million — that might be needed to represent those who are faced with criminal penalties or civil sanctions related to the lab's work. They are getting way ahead of themselves. But the state does need to look for ways to reduce costs, such as dismissing the cases of drug suspects who were not charged with violent crimes or weapons crimes.
- For now, though, the focus must remain on identifying anyone who was wronged by Dookhan. Fortunately, that focus has so far been relentless.
- There is strong evidence already that the criminal justice system is working effectively.

**Archived:** Tuesday, March 12, 2019 10:59:41 AM

**From:** Leone, Gerard (NOR)

**To:** Blodgett, Jonathan (EAS)

**Subject:** RE: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

**Sensitivity:** Normal

---

it is a trend of government in general at several levels.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Blodgett, Jonathan (EAS)

**Sent:** Thursday, November 29, 2012 6:13 PM

**To:** Leone, Gerard (NOR)

**Subject:** Re: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

They listen & pander to CPCS as well as the MassBar but ignore us because they can. I am sick of Heffernan's moronic comments.

Sent from my iPhone

On Nov 29, 2012, at 18:11, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

thanks pal.

We'll still be looking for reimbursement months from now.

<image004.jpg> Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Blodgett, Jonathan (EAS)

**Sent:** Thursday, November 29, 2012 6:10 PM

**To:** Leone, Gerard (NOR)

**Subject:** Re: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

You make that decision I will stand with you.

Sent from my iPhone

On Nov 29, 2012, at 18:07, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

I suggest a collective letter to the leadership who is referred to below.

These letters we have been writing regarding our resource issues related to the JP LAB serve to put all on notice as to our issues, the urgency of the issues, and as an "I told you so" if and when we need to go public.

We need to individualize and separate ourselves from others who are in the Governor's omnibus JP Lab collective budget request, and exhibit how our ask is obviously more reasonable than others.

I can tell you, I am getting very close to the point of starting to complain publicly. As many of you, this fiasco is causing real internal morale, personnel and workload issues.

<image004.jpg> Gerard T. Leone, Jr. | Middlesex District Attorney  
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**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, November 29, 2012 5:57 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

FYI

---

**From:** State House News Service [<mailto:news@statehousenews.com>]  
**Sent:** Thursday, November 29, 2012 5:22 PM  
**To:** [news@statehousenews.com](mailto:news@statehousenews.com)  
**Subject:** GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

By Matt Murphy  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, NOV. 29, 2012....It appears Gov. Deval Patrick may need to wait until next year for lawmakers to take up his request for \$30 million to begin covering the costs associated with the handling of criminal cases impacted by breaches at the Hinton drug testing lab.

Republican lawmakers say the Legislature is unlikely over the next month to approve the request. While Patrick has attached some urgency to his request, any lawmaker meeting in informal sessions scheduled for the rest of 2012 can block the advancement of any bill.

Patrick formally met with Democratic leaders of the House and Senate Monday for the first time in four months, seeking a commitment from both branches to bring the mid-year budget request forward for a vote "quickly."

The governor left the meeting without any assurances that passage of his bill (H 4489) would be possible before the next Legislature is sworn in come January, when formal sessions and floor debates will resume.



“The governor met with the Democratic leadership. He’s never reached out to me in any substantive way to talk about this issue and I’m quite confident as presented the Republican caucus would have issues with it,” House Minority Brad Jones said.

Patrick filed the budget request on Nov. 1 to begin paying for the fallout from the drug lab scandal involving a chemist who has admitted to tampering with evidence. Though the amount is only expected to cover a few months of expenses, the administration has said delays could strain agency budgets as they take on the added workload without scaling back normal operations.

The governor is asking for the funds to be put into a dedicated account to be managed by Administration and Finance Secretary Jay Gonzalez and distributed as needed to various agencies.

Jones said he was hesitant to hand the administration a pool of money without spending controls, suggesting it might be appropriate for an independent authority to be placed in charge of dispersing the money. “We’re being asked to give this pool of money to A&F to basically oversee the cleanup of a mess they created,” Jones said.

Senate Minority Leader Bruce Tarr told the News Service it would be “difficult, if not impossible” to pass the budget request before the end of the year.

“I think the governor has a lot of work to do if he wants to get this passed in an informal session and that extends beyond meeting with the Senate president and the speaker,” Tarr said.

House Ways and Means Chairman Rep. Brian Dempsey and Senate Ways and Means Chairman Sen. Stephen Brewer were reluctant to discuss their plans, initially indicating they would not comment and referring questions to House Speaker Robert DeLeo and Senate President Therese Murray.

“We’re still talking about it,” Brewer said after deflecting several questions.

Murray did not rule out bringing the budget bill to a vote, but acknowledged the obstacles during informal sessions when one lawmaker can block a bill for any reason. The budget bill would first have to clear the House.

“We would like to make it a clean supp budget and that might be difficult in an informal, but we’re still talking about it and if we can we will,” Murray told the News Service. By “clean,” Murray meant that it is her preference that funding be limited to expenses related to the crime lab and not unrelated appropriations sought by lawmakers.

Asked whether that meant it would be impossible to get done in December, Murray said, “I don’t know. We’re going to try.”

Patrick acknowledged that his bill faced an uphill climb toward passage before January, after which point in time the governor would have to refile an appropriation request with the Legislature and the price tag by then could be substantially higher.

“They understand the importance of that and I think they share my sense of urgency. I think the question is can it be done in an informal or formal? They didn’t say but I think everyone agrees it’s important to get it done sooner rather than later,” Patrick said after meeting with leaders.

Already district attorneys have suggested they would need \$12.7 million to deal with the work of sifting through and dispensing with impacted cases, while public defenders have pegged their costs closer to \$75 million.

The state’s official bond statement from September alluded to possible lawsuits that could further drive up costs.

“There may be significant, but as yet undetermined, state costs required to account for the chemist’s malfeasance. In addition, there may be costs to defend civil complaints alleging state liability in both state and federal court and for potential judgments. As neither the criminal investigation nor the determination of

the number or specific cases affected has been completed, there is not sufficient information to estimate these additional state costs at this time,” the official statement to potential investors stated.

Public Safety Secretary Mary Beth Heffernan told lawmakers at a hearing Wednesday that the **State Police have requested \$3.4 million** from the supplemental budget to hire additional chemists to reduce a backlog of cases at the state drug lab in Sudbury.

“The ability for the State Police to draw from the \$30 million provided in that supplemental budget request is absolutely critical. Further delay will only compound the backlog and the lab's ability to return to normal operations,” Heffernan said.

Both Jones and Tarr said their one hesitation in waiting until after the new year is that Inspector General Glen Cuhna, who is conducting a review of the Hinton lab's operations and has a limited budget, may be delayed in his work without additional funding.

Tarr wondered how the spending request would impact the state's overall finances with the governor weighing mid-year budget cuts in light of declining revenue and the possibility that additional crime lab expenses would be required beyond the \$30 million before the end of the fiscal year in June.

“There are going to be more tax proposals in the coming months than presents under the Christmas tree,” Tarr said.

-END-

11/29/2012

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**Archived:** Tuesday, March 12, 2019 10:59:47 AM

**From:** Leone, Gerard (NOR)

**To:** OKeefe, Michael (CPI)

**Subject:** RE: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

**Sensitivity:** Normal

---

Excellent Mike, thanks. Count me as one who understands where they are coming from, and supports them and their positions on this!



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** OKeefe, Michael (CPI)

**Sent:** Thursday, November 29, 2012 6:51 PM

**To:** Leone, Gerard (NOR)

**Subject:** Re: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

Gerry I just spoke with republican rep De Macedo . He will talk to Minority leader Jones tonight and I will send a letter to Jones and Tarr tomorrow . Maybe Tim and I will go see them .

They are upset that the Governor is sailing through this without blame , hence their statements.They also were going to have a press conference today calling for Bigby to be fired which is why Rep DeMacedo called this morning although we didnt connect till tonight . We can do some work on them re the funding issue . I'll let them know that they can criticize to their hearts content but don't hold up the funding necessary to fix this .

The beat goes on!

Sent from my iPhone

On Nov 29, 2012, at 6:07 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

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**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, November 29, 2012 5:57 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FW: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

FYI

---

**From:** State House News Service [<mailto:news@statehousenews.com>]  
**Sent:** Thursday, November 29, 2012 5:22 PM  
**To:** [news@statehousenews.com](mailto:news@statehousenews.com)  
**Subject:** GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

By Matt Murphy  
STATE HOUSE NEWS SERVICE

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Republican lawmakers say the Legislature is unlikely over the next month to approve the request. While Patrick has attached some urgency to his request, any lawmaker meeting in informal sessions scheduled for the rest of 2012 can block the advancement of any bill.

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The governor left the meeting without any assurances that passage of his **bill (H 4489)** would be possible before the next Legislature is sworn in come January, when formal sessions and floor debates will resume.

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**Patrick filed the budget request on Nov. 1** to begin paying for the fallout from the drug lab scandal involving a chemist who has admitted to tampering with evidence. Though the amount is only expected to cover a few months of expenses, the administration has said delays could strain agency budgets as they take on the added workload without scaling back normal operations.

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Senate Minority Leader Bruce Tarr told the News Service it would be "difficult, if not impossible" to pass the budget request before the end of the year.

"I think the governor has a lot of work to do if he wants to get this passed in an informal session and that extends beyond meeting with the Senate president and the speaker," Tarr said.

**House Ways and Means Chairman Rep. Brian Dempsey and Senate Ways and Means Chairman Sen. Stephen Brewer were reluctant to discuss their plans, initially indicating they would not comment and referring questions to House**

Speaker Robert DeLeo and Senate President Therese Murray.

"We're still talking about it," Brewer said after deflecting several questions.

Murray did not rule out bringing the budget bill to a vote, but acknowledged the obstacles during informal sessions when one lawmaker can block a bill for any reason. The budget bill would first have to clear the House.

"We would like to make it a clean supp budget and that might be difficult in an informal, but we're still talking about it and if we can we will," Murray told the News Service. By "clean," Murray meant that it is her preference that funding be limited to expenses related to the crime lab and not unrelated appropriations sought by lawmakers.

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Tarr wondered how the spending request would impact the state's overall finances with the governor weighing mid-year budget cuts in light of declining revenue and the possibility that additional crime lab expenses would be required beyond the \$30 million before the end of the fiscal year in June.

"There are going to be more tax proposals in the coming months than presents under the Christmas tree," Tarr said.

-END-

11/29/2012

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**Archived:** Tuesday, March 12, 2019 10:59:53 AM

**From:** Leone, Gerard (NOR)

**To:** Morrissey, Michael (NFK)

**Subject:** Re: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

**Sensitivity:** Normal

---

True!

---

**From:** Morrissey, Michael (NFK)

**Sent:** Friday, November 30, 2012 11:58 AM

**To:** Leone, Gerard (NOR)

**Subject:** Re: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

Given our recent batting average what do you really care! We can wait for Mike and Tim To talk to the Republicans

Sent from my iPhone

On Nov 30, 2012, at 7:00 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Good idea Mike.

Of course, we always run the risk of ticking the Leg. off!

---

**From:** Morrissey, Michael (NFK)

**Sent:** Friday, November 30, 2012 12:53 AM

**To:** Leone, Gerard (NOR)

**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Subject:** Re: GOP LEADERS SUGGEST PATRICK'S \$30 MIL DRUG LAB REQUEST MAY WAIT TIL 2013

We Could call for the governor to ask for a special session of the Legislature to consider the matter. Tara can correct me but my memory serves me correct is that the governor has the power to call the Legislature back into session or a special majority of both branches can also Petition the leadership to go back in session. If you wanted to make some noise about the issue and get more attention. You might want to consider asking the governor to call the Legislature back into special session!!

Sent from my iPhone

On Nov 29, 2012, at 6:07 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

I suggest a collective letter to the leadership who is referred to below.

These letters we have been writing regarding our resource issues related to the JP LAB serve to put all on notice as to our issues, the urgency of the issues, and as an "I told you so" if and when we need to go public.

We need to individualize and separate ourselves from others who are in the Governor's omnibus JP Lab collective budget request, and exhibit how our ask is obviously more reasonable than others.

I can tell you, I am getting very close to the point of starting to complain publicly. As many of you, this fiasco is causing real internal morale, personnel and workload issues.

<image004.jpg> Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-END-

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**Archived:** Tuesday, March 12, 2019 11:00:04 AM

**From:** Wechsler, Pamela (NOR)

**Sent:** Tuesday, December 04, 2012 8:35 AM

**To:** Leone, Gerard (NOR)

**Subject:** Draft: Office Announcements

**MaryBeth Long** has joined Stephanie Guyotte on our Communications team. MaryBeth has been an ADA for nine years. Before law school, MaryBeth earned a Masters degree in Broadcast Journalism from Boston University and worked for Channel 7. She will bring her legal background and MDAO knowledge to her new position.

**Sarah Chaulk** has joined the Woburn office as our newest paralegal. Sarah is assigned to work primarily with Adrienne Lynch, John McEvoy and Kerry Collins. Sarah is a 2011 graduate of UMass Lowell, where she majored in Political Science. Sarah is currently enrolled in the Paralegal Certificate Program at Middlesex Community College, where she attends class at night. Sarah is a welcome addition to our office and our paralegal program.

**Laura McLaughlin** has joined the support staff team in Lowell District Court. Laura is a 2012 graduate of UMass Lowell, with a B.S. in Criminal Justice & Criminology. Laura is currently pursuing a Masters degree in Criminal Justice & Criminology and will continue her studies by taking evening courses. Welcome Laura!

Lowell District Court support staff team members **Elizabeth Anderson** and **Melissa Chavez** have new assignments. Liz has joined the Malden District court team. Melissa has joined the Grand Jury team. **Ashley Cunningham** moves to the Woburn office, where she will work with Marian Ryan, Jodi Walker and Chris Irwin in their efforts to handle cases relating to former State Chemist Annie Dookhan and the JP Hinton Lab.

Congrats everyone!

**Archived:** Tuesday, March 12, 2019 11:00:08 AM

**From:** Morrissey, Michael (NFK)

**Sent:** Thu, 6 Dec 2012 17:21:29

**To:** Conley, Daniel (SUF)

**Cc:** Capeless, David (BER); OKeefe, Michael (CPI); Leone, Gerard (NOR); Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** Re: FY13 Budget Cuts

**Sensitivity:** Normal

---

I'm on board for a letter as well but I think we want to remind them of the critical need for help with the drug cases

Sent from my iPhone

On Dec 6, 2012, at 2:51 PM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

I'm on board with a letter of strong opposition and/or a public statement. Sorry for the delayed reply.

DC

---

**From:** Capeless, David (BER)

**Sent:** Thursday, December 06, 2012 8:30 AM

**To:** OKeefe, Michael (CPI); Leone, Gerard (NOR)

**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** RE: FY13 Budget Cuts

I am in favor of a letter and whatever else we can do to get the message across to the Legislature. We are in only year two of what all (Governor, Legislature, even CPCS) have acknowledged is a necessary, long-term process of getting our budgets to where they should be. It is not time to backslide or waver.

---

**From:** OKeefe, Michael (CPI)

**Sent:** Wednesday, December 05, 2012 5:45 PM

**To:** Leone, Gerard (NOR)

**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** Re: FY13 Budget Cuts

Gerry , consistent with our two front approach to the administration and the legislature re the resource question and the Hinton lab on Monday I spoke at length with Minority leader Tarr in the Senate and yesterday Jon Blodgett and I and Tara met with Chairman Dempsey of HWM and Senate President Murray and later in the day Tim Cruz , I and Tara met with Minority Leader Jones . I think the letter to the legislature opposing the granting of this authority to the Governor as it relates to us is an appropriate step. A further question is : is that enough ? I would like to hear from as many of our colleagues as care to opine and then go from there .

Sent from my iPhone

On Dec 5, 2012, at 5:24 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

We should collectively oppose this by writing to the legislature, who the Governor needs to approve the non 9-C request.

And as I have continued to indicate before, the Governor is not our avenue for JP Labs resources, it is the legislature. The Governor shows by this request, how serious he and his COS were in promising us resources and funding for our JP Lab mess that his DPH created.

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Blodgett, Jonathan (EAS)  
**Sent:** Wednesday, December 05, 2012 5:20 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** DAA-DL-ALL.DAs  
**Subject:** Re: FY13 Budget Cuts

It takes ALL the DAs standing shoulder to shoulder to make a statement if you want to be taken seriously. We have tried every approach with this Governor since he has been in office with no success. He never responded to the letter some signed regarding his allegations that we game the system. I am ready if you are.

Sent from my iPhone

On Dec 5, 2012, at 17:15, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

As referenced in Paragraph 7 of the attached Governor's Filing Letter, and "Section 13 Non 9-C Reductions" in the Supplemental Legislation document, I believe we should vehemently object to these proposals and urge the legislature to reject the Governor's proposal under these provisions, citing to our fiscal constraints - including but not limited to our requested funds for JP Lab matters (which the Governor's COS promised to support).  
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---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, December 05, 2012 5:02 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FY13 Budget Cuts

To the DAs,

The Governor has filed legislation seeking to reduce all non-executive agency budgets by 1%; this would include the District Attorneys and MDAA. Through his 9C reductions, he cut the funds earmarked for a consultant to make recommendations on your next case management system.

In the same bill in which he seeks the 1% cut of all agencies and offices, he is also

seeking an additional \$25 million for CPCS. The appropriation he is seeking would go directly into the bar advocate account, and is not designated as being DPH case related.

Attached please find the Governor's legislation and filing letter.

Thank you,

Tara

Tara Maguire

Executive Director

Massachusetts District Attorneys Association

1 Bulfinch Place, 202

Boston, MA 02114



<Filed 9C FY13 Supplemental Legislation.doc>

<Governor's filing letter.doc>

**Archived:** Tuesday, March 12, 2019 11:00:16 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs  
**Subject:** RE: FY13 Budget Cuts  
**Sensitivity:** Normal

---

Thanks to all of you for your efforts Mike.

On one level, considering the JP Lab resource issue, this request as it relates to DAOs and our budgets, is offensive.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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Massachusetts District Attorneys Association  
1 Bulfinch Place, 202  
Boston, MA 02114  
[REDACTED]

<Filed 9C FY13 Supplemental Legislation.doc>

<Governor's filing letter.doc>



**Archived:** Tuesday, March 12, 2019 11:00:21 AM

**From:** Leone, Gerard (NOR)

**To:** Guyotte, Stephanie (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Cc:** Long, MaryBeth (NOR)

**Subject:** Re: Globe drug lab editorial

**Sensitivity:** Normal

---

Thanks

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**From:** Guyotte, Stephanie (NOR)

**Sent:** Monday, December 03, 2012 11:07 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR)

**Cc:** Long, MaryBeth (NOR)

**Subject:** Globe drug lab editorial

**State makes progress on legal mess from drug lab**

**Editorial, Boston Globe, December 03, 2012**

<http://www.bostonglobe.com/opinion/editorials/2012/12/03/mass-makes-progress-cleaning-cases-compromised-drug-lab-chemist-annie-dookhan/OBZHnp3iCVWsGhOYP5ZIWK/story.html?event=event12>

- Just a few months ago, faith in the Massachusetts criminal justice system was at an all-time low. At a state lab in Jamaica Plain, the alleged misconduct of an unprincipled chemist, coupled with managerial ineptitude, had led to the possible tainting of an estimated 60,000 drug samples. Simply identifying all the cases that might have hinged on now-dubious drug tests — never mind resolving those cases — seemed beyond the ability of state officials. Yet there is strong evidence already that the criminal justice system is working effectively to redeem its reputation and rectify injustices.
- This week, the attorney in charge of sorting out the mess for the Patrick administration reported finishing the first phase of the investigation after just six weeks on the job. David Meier, a respected former prosecutor, said that he and his staff of about a dozen have identified 10,000 individuals who were prosecuted based on evidence supplied by disgraced chemist Annie Dookhan. That number is sure to climb. But Meier said that his first duty was to tackle high-priority cases, including about 2,000 individuals who were imprisoned or held on bail based on questionable evidence. Judges already have released scores of individuals.
- Meier isn't pretending that the task ahead will be easy. So far, his analysis has relied mainly on reviews of several law enforcement, court, and public health databases. But he found too many inconsistencies, including misspellings of suspects' names, to rely solely on electronic searches. Therefore, he has sought and received Governor Patrick's permission to conduct a file-by-file review of lab documentation to ensure that every case touched by Dookhan is identified. Meier hopes to complete the task in about three months.
- Identifying all compromised cases is only the first step; the next step, deciding how to resolve them, is up to the court system. In some cases, sentence reductions, new trials, or even the outright dismissal of charges may be in order. Public defenders are tossing around a huge figure — \$332 million — that might be needed to represent those who are faced with criminal penalties or civil sanctions related to the lab's work. They are getting way ahead of themselves. But the state does need to look for ways to reduce costs, such as dismissing the cases of drug suspects who were not charged with violent crimes or weapons crimes.
- For now, though, the focus must remain on identifying anyone who was wronged by Dookhan. Fortunately, that focus has so far been relentless.
- There is strong evidence already that the criminal justice system is working effectively.

**Archived:** Tuesday, March 12, 2019 11:00:45 AM

**From:** Leone, Gerard (NOR)

**To:** Early, Joseph (MID)

**Cc:** Mastroianni, Mark (WES); Conley, Daniel (SUF); Capeless, David (BER); OKeefe, Michael (CPI); Blodgett, Jonathan (EAS)

**Subject:** Re: FY13 Budget Cuts

**Sensitivity:** Normal

---

I don't disagree.

---

**From:** Early, Joseph (MID)

**Sent:** Thursday, December 06, 2012 06:00 PM

**To:** Leone, Gerard (NOR)

**Cc:** Mastroianni, Mark (WES); Conley, Daniel (SUF); Capeless, David (BER); OKeefe, Michael (CPI); Blodgett, Jonathan (EAS); DAA-DL-ALL.DAS


**Subject:** Re: FY13 Budget Cuts

I'd like to look him in the eye and address the hypocrisy of it

Sent from my iPhone

On Dec 6, 2012, at 5:58 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Need memorialize in writing, in a form that we don't mind seeing in the press.

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Early, Joseph (MID)

**Sent:** Thursday, December 06, 2012 5:54 PM

**To:** Mastroianni, Mark (WES)

**Cc:** Conley, Daniel (SUF); Capeless, David (BER); OKeefe, Michael (CPI); Leone, Gerard (NOR); Blodgett, Jonathan (EAS); DAA-DL-ALL.DAS

**Subject:** Re: FY13 Budget Cuts

I would say confront the governor in a face-to-face meeting. Then remind him that we are the ones bailing him out of this mess and he can't be asking us to cut budgets. Especially while he's finding 25 million For CPCS.

Sent from my iPhone

On Dec 6, 2012, at 5:48 PM, "Mastroianni, Mark (WES)" <[mmastroianni@MassMail.State.MA.US](mailto:mmastroianni@MassMail.State.MA.US)> wrote:

I am also supportive of this unified approach

Sent from my iPhone

On Dec 6, 2012, at 2:51 PM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

I'm on board with a letter of strong opposition and/or a public statement. Sorry for the delayed reply.

DC

---

**From:** Capeless, David (BER)  
**Sent:** Thursday, December 06, 2012 8:30 AM  
**To:** OKeefe, Michael (CPI); Leone, Gerard (NOR)  
**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs  
**Subject:** RE: FY13 Budget Cuts

I am in favor of a letter and whatever else we can do to get the message across to the Legislature. We are in only year two of what all (Governor, Legislature, even CPCS) have acknowledged is a necessary, long-term process of getting our budgets to where they should be. It is not time to backslide or waver.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, December 05, 2012 5:45 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs  
**Subject:** Re: FY13 Budget Cuts

Gerry, consistent with our two front approach to the administration and the legislature re the resource question and the Hinton lab on Monday I spoke at length with Minority leader Tarr in the Senate and yesterday Jon Blodgett and I and Tara met with Chairman Dempsey of HWM and Senate President Murray and later in the day Tim Cruz, I and Tara met with Minority Leader Jones. I think the letter to the legislature opposing the granting of this authority to the Governor as it relates to us is an appropriate step. A further question is: is that enough? I would like to hear from as many of our colleagues as care to opine and then go from there.

Sent from my iPhone

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We should collectively oppose this by writing to the legislature, who the Governor needs to approve the non 9-C request. And as I have continued to indicate before, the Governor is not our avenue for JP Labs resources, it is the legislature. The Governor shows by this request, how serious he and his COS were in promising us resources and funding for our JP Lab mess that his DPH created.

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Blodgett, Jonathan (EAS)  
**Sent:** Wednesday, December 05, 2012 5:20 PM  
**To:** Leone, Gerard (NOR)

**Cc:** DAA-DL-ALL.DAs  
**Subject:** Re: FY13 Budget Cuts

It takes ALL the DAs standing shoulder to shoulder to make a statement if you want to be taken seriously. We have tried every approach with this Governor since he has been in office with no success. He never responded to the letter some signed regarding his allegations that we game the system. I am ready if you are.

Sent from my iPhone

On Dec 5, 2012, at 17:15, "Leone, Gerard (NOR)"  
<[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

As referenced in Paragraph 7 of the attached Governor's Filing Letter, and "Section 13 Non 9-C Reductions" in the Supplemental Legislation document, I believe we should vehemently object to these proposals and urge the legislature to reject the Governor's proposal under these provisions, citing to our fiscal constraints - including but not limited to our requested funds for JP Lab matters (which the Governor's COS promised to support).

Gerry

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, December 05, 2012 5:02 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FY13 Budget Cuts

To the DAs,  
The Governor has filed legislation seeking to reduce all non-executive agency budgets by 1%; this would include the District Attorneys and MDAA. Through his 9C reductions, he cut the funds earmarked for a consultant to make recommendations on your next case management system. In the same bill in which he seeks the 1% cut of all agencies and offices, he is also seeking an additional \$25 million for CPCS. The appropriation he is seeking would go directly into the bar advocate account, and is not designated as being DPH case related.

Attached please find the Governor's legislation and filing letter.

Thank you,

Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association

1 Bulfinch Place, 202  
Boston, MA 02114



<Filed 9C FY13 Supplemental Legislation.doc>

<Governor's filing letter.doc>

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**Archived:** Tuesday, March 12, 2019 11:00:49 AM

**From:** Maguire, Tara (DAA)

**Sent:** Fri, 7 Dec 2012 14:23:52

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** David Meier - Globe Magazine article

**Sensitivity:** Normal

---

DAs,

Attached please find an article profiling David Meier and his work on the Hinton Lab crisis. The article will appear in Sunday's Boston Globe Magazine.

<http://www.bostonglobe.com/magazine/2012/12/09/the-drug-lab-scandal-who-cleaning/GzU9MMiWCIAYnGIS9gBUTL/story.html>

**Archived:** Tuesday, March 12, 2019 11:00:51 AM

**From:** Cruz, Timothy (PLY)

**Sent:** Fri, 7 Dec 2012 11:21:29

**To:** DAA-DL-ALL.DAs

**Subject:** RE: FY13 Budget Cuts

**Sensitivity:** Normal

---

I agree and am supportive of this position.

Tim

---

**From:** Mastroianni, Mark (WES)

**Sent:** Thursday, December 06, 2012 5:49 PM

**To:** Conley, Daniel (SUF)

**Cc:** Capeless, David (BER); OKeefe, Michael (CPI); Leone, Gerard (NOR); Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** Re: FY13 Budget Cuts

I am also supportive of this unified approach

Sent from my iPhone

On Dec 6, 2012, at 2:51 PM, "Conley, Daniel (SUF)" <[Daniel.Conley@MassMail.State.MA.US](mailto:Daniel.Conley@MassMail.State.MA.US)> wrote:

I'm on board with a letter of strong opposition and/or a public statement. Sorry for the delayed reply.

DC

---

**From:** Capeless, David (BER)

**Sent:** Thursday, December 06, 2012 8:30 AM

**To:** OKeefe, Michael (CPI); Leone, Gerard (NOR)

**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** RE: FY13 Budget Cuts

I am in favor of a letter and whatever else we can do to get the message across to the Legislature. We are in only year two of what all (Governor, Legislature, even CPCS) have acknowledged is a necessary, long-term process of getting our budgets to where they should be. It is not time to backslide or waver.

---

**From:** OKeefe, Michael (CPI)

**Sent:** Wednesday, December 05, 2012 5:45 PM

**To:** Leone, Gerard (NOR)

**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** Re: FY13 Budget Cuts


Gerry , consistent with our two front approach to the administration and the legislature re the resource question and the Hinton lab on Monday I spoke at length with Minority leader Tarr in the Senate and yesterday Jon Blodgett and I and Tara met with Chairman Dempsey of HWM and Senate President Murray and later in the day Tim Cruz , I and Tara met with Minority Leader Jones . I think the letter to the legislature opposing the granting of this authority to the Governor as it relates to us is an appropriate step. A further question is : is that enough ? I would like to hear from as many of our colleagues as care to opine and then go from there .

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We should collectively oppose this by writing to the legislature, who the Governor needs to approve the non 9-C request.

And as I have continued to indicate before, the Governor is not our avenue for JP Labs resources, it is the legislature. The Governor shows by this request, how serious he and his COS were in promising us resources and funding for our JP Lab mess that his DPH created.

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney  
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---

**From:** Blodgett, Jonathan (EAS)  
**Sent:** Wednesday, December 05, 2012 5:20 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** DAA-DL-ALL.DAs  
**Subject:** Re: FY13 Budget Cuts

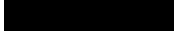
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Sent from my iPhone

On Dec 5, 2012, at 17:15, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

As referenced in Paragraph 7 of the attached Governor's Filing Letter, and "Section 13 Non 9-C Reductions" in the Supplemental Legislation document, I believe we should vehemently object to these proposals and urge the legislature to reject the Governor's proposal under these provisions, citing to our fiscal constraints - including but not limited to our requested funds for JP Lab matters (which the Governor's COS promised to support).

Gerry

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---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, December 05, 2012 5:02 PM  
**To:** DAA-DL-DA&EXEC.ASST



**Subject:** FY13 Budget Cuts

To the DAs,

The Governor has filed legislation seeking to reduce all non-executive agency budgets by 1%; this would include the District Attorneys and MDAA. Through his 9C reductions, he cut the funds earmarked for a consultant to make recommendations on your next case management system.

In the same bill in which he seeks the 1% cut of all agencies and offices, he is also seeking an additional \$25 million for CPCS. The appropriation he is seeking would go directly into the bar advocate account, and is not designated as being DPH case related.

Attached please find the Governor's legislation and filing letter.

Thank you,

Tara

[Tara Maguire](#)

[Executive Director](#)

[Massachusetts District Attorneys Association](#)

[1 Bulfinch Place, 202](#)

[Boston, MA 02114](#)



<Filed 9C FY13 Supplemental Legislation.doc>

<Governor's filing letter.doc>

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**Archived:** Tuesday, March 12, 2019 11:00:55 AM

**From:** Leone, Gerard (NOR)

**To:** Sullivan, David (NWD); Conley, Daniel (SUF); Capeless, David (BER); OKeefe, Michael (CPI)

**Cc:** Blodgett, Jonathan (EAS); Maguire, Tara (DAA)

**Subject:** Re: FY13 Budget Cuts and FY 13 supplemental budget

**Sensitivity:** Normal

---

I've already begun hiring for staff to help clean up the JP mess - we had no option at this point. Morale is low and caseloads are high due to the JP Lab fiasco. We hope for reimbursement.

---

**From:** Sullivan, David (NWD)

**Sent:** Thursday, December 06, 2012 07:34 PM

**To:** Conley, Daniel (SUF); Capeless, David (BER); OKeefe, Michael (CPI); Leone, Gerard (NOR)

**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs; Maguire, Tara (DAA)

**Subject:** RE: FY13 Budget Cuts and FY 13 supplemental budget

I am in favor of a collective response. It is important that we (or our Executive Committee) have a face-to-face meeting with the Governor. The fact we have met with the Speaker House Ways and Means Chair (Rep. Dempsey) and Senate President covers our bases with the Legislature. I am sure the Governor sent this blanket 9-C request to all state agencies without any real thought to the dire budget needs of all DA offices impacted by the Hinton Lab debacle. It is important that we get a solid commitment from both legislative bodies as to the amount of the FY 13 supplemental budgets for the DAOs and when our supplemental budget request is likely to be considered by the House and Senate. We should make clear in our letter, that unlike CPCS, the DA Offices do not have a tradition of recklessly spending first and praying for passage of a supplemental budget bailout later. It should also be made clear, in writing, that the hiring of additional prosecutors and staff to clean up this mess cannot begin in earnest until the supplemental budget is passed or a solid funding commitment made from all the parties.

I would not recommend a public statement until we have met, or attempted to meet, with the Governor. Thanks Mike for moving forward with a strong letter from the DAs. Dave

---

**From:** Conley, Daniel (SUF)

**Sent:** Thursday, December 06, 2012 2:52 PM

**To:** Capeless, David (BER); OKeefe, Michael (CPI); Leone, Gerard (NOR)

**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** RE: FY13 Budget Cuts

I'm on board with a letter of strong opposition and/or a public statement. Sorry for the delayed reply.

DC

---

**From:** Capeless, David (BER)

**Sent:** Thursday, December 06, 2012 8:30 AM

**To:** OKeefe, Michael (CPI); Leone, Gerard (NOR)

**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs

**Subject:** RE: FY13 Budget Cuts

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---

**From:** OKeefe, Michael (CPI)

**Sent:** Wednesday, December 05, 2012 5:45 PM

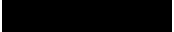
**To:** Leone, Gerard (NOR)  
**Cc:** Blodgett, Jonathan (EAS); DAA-DL-ALL.DAs  
**Subject:** Re: FY13 Budget Cuts

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---


**From:** Blodgett, Jonathan (EAS)  
**Sent:** Wednesday, December 05, 2012 5:20 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** DAA-DL-ALL.DAs  
**Subject:** Re: FY13 Budget Cuts

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**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, December 05, 2012 5:02 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** FY13 Budget Cuts

To the DAs,

The Governor has filed legislation seeking to reduce all non-executive agency budgets by 1%; this would include the District Attorneys and MDAA. Through his 9C reductions, he cut the funds earmarked for a consultant to make recommendations on your next case management system. In the same bill in which he seeks the 1% cut of all agencies and offices, he is also seeking an additional \$25 million for CPCS. The appropriation he is seeking would go directly into the bar advocate account, and is not designated as being DPH case related.

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Thank you,

Tara

[Tara Maguire](#)

[Executive Director](#)

[Massachusetts District Attorneys Association](#)

[1 Bulfinch Place, 202](#)

[Boston, MA 02114](#)

[\[REDACTED\]](#)

<Filed 9C FY13 Supplemental Legislation.doc>

<Governor's filing letter.doc>

**Archived:** Tuesday, March 12, 2019 11:01:10 AM  
**From:** Leone, Gerard (NOR)  
**To:** Conley, Daniel (SUF); OKeefe, Michael (CPI)  
**Cc:** Blodgett, Jonathan (EAS); Maguire, Tara (DAA); Early, Joseph (MID)  
**Subject:** FW: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?  
**Sensitivity:** Normal

---

Thank you both.

By the way, they could take some of the \$12,000 a month their paying him and provide it to us for our staffs who are doing the real work, and help defray our costs for the resources we are expending on this failure by DPH.

-----Original Message-----

From: Conley, Daniel (SUF)  
Sent: Friday, December 07, 2012 5:09 PM  
To: 'Helman, Scott'; OKeefe, Michael (CPI)  
Cc: DAA-DL-DA&EXEC.ASST  
Subject: RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

Sorry about that Scott. I confirmed with Jake that you reached out to me, so my fault for not getting back to you. I'm not sure, however, if by speaking with you about Dave Meier you would have caught the mischaracterization of the scandal though. I hope you're right and that the reader does somehow figure out that the police and prosecutors did nothing wrong here, and indeed will be the ones to investigate and ultimately resolve the thousands of cases at issue. It's important to me, however, that responsible journalists, and I know that you are one, refer to this scandal as a breach and failure at the Department of Public Health, not of law enforcement.

Thanks,

Dan C

-----Original Message-----

From: Helman, Scott [<mailto:shelman@globe.com>]  
Sent: Friday, December 07, 2012 4:23 PM  
To: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
Cc: DAA-DL-DA&EXEC.ASST  
Subject: RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?


Hi Dan,

Thanks for writing. I wish we would have spoken for the piece; I tried several times to include your voice.

I don't think anyone reading the piece will be confused about who's at fault here, and nowhere do I suggest that DAs or cops somehow had a role in the screw-up. It is a law enforcement scandal in the sense that the problems have corrupted untold criminal cases that, as you say, you now have to clean up. Further, in a timeline that runs across the top of the story, we make clear that DPH ran the lab. It reads as follows: "John Auerbach, the commissioner of the state Department of Public Health, which had run the lab until shortly before its closure, resigns, saying, 'It is clear that there was insufficient quality monitoring, reporting, and investigating.'"

Regards,  
Scott

\* \* \* \* \*

Scott Helman  
Staff writer  
Boston Globe Magazine  
 (o)  
(c)  
shelman@globe.com  
Twitter: @swhelman

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From: Conley, Daniel (DAA) [daniel.conley@state.ma.us]  
Sent: Friday, December 07, 2012 4:15 PM  
To: Helman, Scott; OKeefe, Michael (DAA)  
Cc: DAA-DL-DA&EXEC.ASST  
Subject: RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

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Dan Conley

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Sent: Friday, December 07, 2012 3:43 PM  
To: Helman, Scott  
Cc: DAA-DL-DA&EXEC.ASST  
Subject: Re: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

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> 3231 Main Street, Barnstable, MA 02630

> E-mail: Michael.OKeefe@Massmail.state.ma.us

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**Archived:** Tuesday, March 12, 2019 11:01:14 AM  
**From:** Leone, Gerard (NOR)  
**To:** Conley, Daniel (SUF)  
**Subject:** RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?  
**Sensitivity:** Normal

---

Nicely put Dan, thanks

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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From: Conley, Daniel (SUF)  
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**Archived:** Tuesday, March 12, 2019 11:01:19 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'TReilly@cmjlaw.com'  
**Subject:** Re: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?  
**Sensitivity:** Normal

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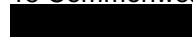
That's been my approach!

----- Original Message -----  
From: Thomas F. Reilly [<mailto:TReilly@cmjlaw.com>]  
Sent: Friday, December 07, 2012 05:33 PM  
To: Leone, Gerard (NOR)  
Subject: Re: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

Unbelievable. You're wise to stay out of it.

----- Original Message -----  
From: Leone, Gerard (DAA) [<mailto:gerard.leone@state.ma.us>]  
Sent: Friday, December 07, 2012 04:32 PM  
To: Thomas F. Reilly  
Subject: FW: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

don't you miss this?!!  
:)

Gerard T. Leone, Jr. | Middlesex District Attorney  
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From: Helman, Scott [<mailto:shelman@globe.com>]  
Sent: Friday, December 07, 2012 4:23 PM  
To: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
Cc: DAA-DL-DA&EXEC.ASST  
Subject: RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

Hi Dan,


Thanks for writing. I wish we would have spoken for the piece; I tried several times to include your voice.

I don't think anyone reading the piece will be confused about who's at fault here, and nowhere do I suggest that DAs or cops somehow had a role in the screw-up. It is a law enforcement scandal in the sense that the problems have corrupted untold criminal cases that, as you say, you now have to clean up. Further, in a timeline that runs across the top of the story, we make clear that DPH ran the lab. It reads as follows: "John

Auerbach, the commissioner of the state Department of Public Health, which had run the lab until shortly before its closure, resigns, saying, 'It is clear that there was insufficient quality monitoring, reporting, and investigating.'

Regards,  
Scott

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**Archived:** Tuesday, March 12, 2019 11:01:21 AM

**From:** Guyotte, Stephanie (NOR)

**Sent:** Sun, 9 Dec 2012 09:03:31

**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Long, MaryBeth (NOR)

**Subject:** Meier Globe profile in Globe Magazine

**Sensitivity:** Normal

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FYI: David Meier is the subject of a Globe Magazine profile:

### **The drug lab scandal: Who's cleaning it up?**

**Veteran Boston lawyer David Meier was handed the unenviable task of fixing the drug lab debacle, one of the state's biggest law enforcement scandals ever. Is he up to the job?**

**By Scott Helman, Boston Globe, December 09, 2012**

<http://www.bostonglobe.com/magazine/2012/12/09/the-drug-lab-scandal-who-cleaning/GzU9MMiWClAYnGIS9gBUTL/story.html?event=event12>

- IT SOUNDS LIKE one of the least appealing jobs ever: Sift through tens of thousands of state and federal drug cases, determine which ones may be compromised by tainted evidence, help shepherd them through a knotty legal system, and then bring some measure of justice to those denied a fair trial. The time frame? Indefinite. The size of the problem? It's a sprawling mess. The stakes? High. The chances of broad public recognition or gratitude? Low.
- Which is to say, it's just the kind of offer David Meier couldn't turn down. With an abiding — some might say almost masochistic — commitment to the integrity of the criminal justice system, Meier, a veteran prosecutor now in private practice, was the natural choice when Governor Deval Patrick needed a skilled hand to repair one of the biggest law enforcement scandals in Massachusetts: the alleged widespread misconduct of a chemist at a state drug lab and the serious oversight lapses that allowed it to happen.
- As of late November, the chemist, Annie Dookhan, was known to have handled roughly 60,000 drug samples involving some 34,000 defendants over 8 ½ years at the Hinton State Laboratory Institute in Jamaica Plain. Dookhan, according to an initial investigation, allegedly identified substances as cocaine even when tests showed otherwise and turned negative results for cocaine and other drugs into positive ones. Prosecutors based many, many cases on her work. Anything that Dookhan touched — from her lab results to her testimony at trial — is now suspect.
- The scandal's reach is breathtaking. The failures at the drug lab, which the state closed in August, will cost the public tens of millions of dollars, ripple across much of Eastern Massachusetts, and likely take years to right. People may be locked up or have had their sentences for separate crimes extended based on falsified evidence. There may be others who finished their drug sentences years ago but still live with the consequences: Has it hindered their pursuit of a job? An apartment? A driver's license?
- In September, Governor Deval Patrick appointed former prosecutor David Meier (shown at the Suffolk Superior Courthouse) to help resolve cases involving some 34,000 defendants, all touched by alleged failures at a state drug lab.
- "The job of marshaling the facts on these cases and getting these cases to a point where they can be resolved is a herculean task," says Max Stern, a longtime defense attorney and president of the Massachusetts Association of Criminal Defense Lawyers. Veteran Boston attorney James Sultan, who has known Meier for years, puts it more bluntly. "It's an absolutely thankless task," he says. "I think it's a terrible job." Sultan, in jest, offered Meier condolences along with congratulations. Meier says, "A lot of people have."
- Having presided over high-profile homicide cases in Middlesex and Suffolk counties, Meier is a public figure to a degree, but not a household name. His reputation in the legal community, however, is sterling. This job, of course, should not even exist. Now that it does, the work is proving to be complicated, frustrating, and contentious. But there does seem to be wide agreement on one thing: David Meier is just the guy to do it.
- \*\*\*
- HE WAS, IN MANY RESPECTS, a typical California kid. After spending his first years in Connecticut, David Meier



grew up on the campus of Stanford University in Palo Alto, where his father, Gerald, was a prominent economist who specialized in developing countries. The oldest of four boys, David spent much of his youth outside, played a lot of baseball and basketball, and attended the local public high school. He developed a lifelong affinity for the San Francisco Giants.

- The Meier boys, though, saw more of the world than many peers. Their father, who taught internationally, took the family to Mexico, the Caribbean, and Europe. David Meier spent two years attending school abroad—first in England, then in Jamaica. And not, his parents insisted, at the fancy schools catering to the children of government officials and elites; in the public schools. “I was taught from a young age to treat people with dignity and respect and to hear people out . . . and to be fair and to be honest and to be true to my values and principles and convictions,” he says. “Perhaps part of that comes from opportunities to experience other people and other cultures and being exposed to different ways of life.”
- New England was a natural draw for college, because Meier’s father and his mother, Gretl, had spent time here earning degrees and teaching. Meier chose Amherst College and headed east. It was at Amherst, Meier says, that he developed an interest in the law, intrigued by what he calls “the challenges of trying to evaluate issues and problems and resolve them.” He wrote his senior thesis on the origins of juvenile law. Jim Rehnquist, a close friend and Amherst classmate of Meier’s, says it was evident that Meier, like Meier’s father, was motivated by a public mission.
- Meier earned his legal degree from Boston University School of Law in 1981. One of his acquaintances there was the acclaimed screenwriter-producer David E. Kelley, who has often used the names—if not the spirits—of former law school pals as the basis for characters. L.A. Law fans may recall an irksome direct-mail magnate named Dave Meyer, played by the actor Dann Florek.
- After law school, Meier was hired as a rookie assistant district attorney in Middlesex County, assigned to Framingham District Court. It became his training ground. In Framingham and later in Cambridge, he tried hundreds of cases in front of juries. Meier developed a persuasive trial demeanor, more methodical than histrionic. “He made it seem as though there was only one possible reasonable answer, and it was a one-word answer starting with a ‘g,’ ” says retired Superior Court judge Hiller Zobel.
- As he moved up the ranks, Meier began to see glimmers of injustice. “I remember feeling some unease at times with the pressures that were put upon you as a prosecutor,” he says. Lawyers on both sides of a trial have a tendency to “treat facts as tools you use in your cases,” says Marty Murphy, a friend and prominent Boston lawyer who worked with Meier in the Middlesex DA’s office. Meier bristled at that. He was, Murphy says, “obsessively concerned about the facts,” insistent that they not be manipulated, ignored, or purposefully omitted, even when they might be inconvenient to your side.
- In 1989, Meier’s principles were put to the test. About 18 months earlier, a man named Calvin Reid had been arrested for allegedly breaking into the Somerville house of a young couple, raping the pregnant wife, and then making off in their car with a TV, VCR, and stereo. Meier took over the case as the trial approached. Once he dug in, he developed grave concerns about the evidence and about how Reid had been identified. So he laid them out over several hours one Saturday morning to his boss, Tom Reilly, then the first assistant district attorney in Middlesex. Meier wanted to send the wife’s sweat pants out for DNA testing, which at the time was novel—and expensive. Reilly agreed.
- When the results came back, they pointed to another man’s DNA, excluding Reid as a suspect. Had Meier just pushed on, it’s conceivable, if not likely, that he could have convicted Calvin Reid. It was a watershed moment for Meier. He had trusted his gut, and his gut had been right. “The ethical commitment to doing the right thing was there from the beginning,” Reilly says. “You didn’t have to instill that in David.”
- This sensibility helped make Meier a prime recruit when the Suffolk County district attorney, Ralph C. Martin II, needed a chief of homicide in 1996. Over breakfast at Charlie’s Sandwich Shoppe in the South End, the deal was sealed: Meier would come to Boston and help Martin launch a new era of cooperation between the DA’s office and Boston police, in which prosecutors and cops would, in a break from recent practice, work side by side from the start of major homicide investigations. Though there was some resistance in the police ranks to working more closely with prosecutors, Meier helped define a more productive relationship. “He cared about the city, and he cared about the Police Department, and he cared about getting his cases done,” says Paul Farrahar, who commanded the Boston police homicide unit at the time.
- For 12 years, under Martin and then Dan Conley, Meier oversaw some of the city’s biggest prosecutions. He helped dismantle the Theodore Street Posse, one of Boston’s most violent gangs, successfully prosecuting members Gus

Swafford and Ricardo Gittens for separate murders. He secured a guilty plea from Patrick John Durham for the long-unsolved stabbing death of 14-year-old Mary Theresa Burhoe in Charlestown in 1981. He sent Chimezie Akara and Andre Green to prison for life for the brazen 2003 shooting of a pregnant woman on an Orange Line train that killed her child. "He stood for what was right," says Daniel Coleman, a sergeant detective with the Boston Police Department and former head of the homicide unit.

- Meier's intensity as a homicide prosecutor was legendary. As a trial neared, he focused like a laser. You could barely approach him, says David Procopio, a former spokesman for the Suffolk DA's office. Meier tackled his preparation like a scholar, filling three-ring binders with detailed notes, the margins crammed with arrows, checks, and other symbols. "That trial and that case became his life," Procopio says.
- On the occasions when a case didn't go his way, Meier wore the loss on his face. In 2004, after a jury acquitted Kyle Bryant of murdering his pregnant 14-year-old girlfriend, Chauntae Jones, even after Bryant told police he'd been present when Jones was stabbed, bludgeoned, and buried in Mattapan, Meier could be seen outside the Suffolk courthouse amid distraught members of Jones's family. He stared into space, shellshocked.
- Over his dozen years in Suffolk County, Meier proved that, working in the toughest neighborhoods, on some of the most horrific crimes, he could be relentless in pursuing and winning convictions. He also proved that justice meant more than putting criminals in prison.
- \*\*\*
- THE THREE MEN SAT around a table in a small meeting room at MCI-Shirley: David Meier from the DA's office, attorney James Sultan, and Sultan's client, James Haley, there in his prison garb, locked up for 34 years on a 1972 conviction for a Roxbury murder. This was late 2007. Haley, after receiving a bundle of police documents from a public records request, made a persuasive case that his trial had been unfair. Potentially exculpatory evidence had never been turned over to his defense.
- It was an odd dynamic that day at the state house of correction. Ordinarily, Sultan says, he would never have let a prosecutor come talk directly to his client. But this was David Meier. He knew Meier was only after the truth. Meier discussed the possibility of Haley pleading guilty to a lesser charge and walking free. Haley said no. He said he couldn't admit to something he didn't do. (Meier says he can't talk about the case, because it remains in civil litigation.)
- Meier later filed a motion to vacate Haley's conviction, saying the state could no longer be confident in the integrity of the trial more than three decades earlier. A judge agreed, and in January 2008 Haley became a free man. But Haley's release had nothing to do with whether he was innocent or guilty. Indeed, Haley's former sister-in-law maintained after he got out that she had seen him kill the victim, who was her boyfriend. The DA's office opted not to retry him, saying too much time had passed to mount an effective case, but prosecutors were clear that this was no exoneration. The operative question was, did James Haley get a fair trial? The only reasonable answer was no.
- Meier applied the same standards to a series of other cases, becoming the driving force in Boston behind repairing errors of the past. He helped free and exonerate several men wrongfully convicted of murder, including Donnell Johnson, found guilty in 1996 of killing 9-year-old Jermaine Goffigan two years earlier. Johnson spent five years in prison until a separate federal drug investigation led to guilty pleas by two other men.
- There was also Marlon Passley, sentenced to life for a 1995 Boston murder he didn't commit and whom Meier asked a judge to free in 1999. "In the end, he said, 'This was as satisfying as any conviction.' Those were his words," Ralph Martin recalls Meier saying of the Passley case. "It defies any stereotypical view of a tough prosecutor. He is a tough lawyer, but he's not cut that way at all." Sultan puts it differently. "There can be a bureaucratic or intellectual devotion to a concept of due process or a concept of fairness," he says. "David's view has a much more humanistic aspect to it."
- Meier is sensitive about this perception, not wanting to give the impression that his moral compass makes him some kind of softie. David Procopio remembers him once joking: "Someday I'd like to get as many headlines for actually putting somebody in jail as I have for getting somebody else out." Putting people in jail is what prosecutors are expected to do, though. That's how they're measured. Meier, who is a trustee of the New England Innocence Project, has always kept a different score card. In his view, what good is toughness without integrity, without credibility?
- It can be a difficult ideal to uphold, especially given the many pressures against reopening an old case or halting an existing one. Meier seems almost impervious to them. "He's going to drill down until he gets the answer, and then he's going to be completely transparent about it," says Boston Police Commissioner Ed Davis.
- A few years ago, Meier took his activism a step further. With Marty Murphy, he led a Boston Bar Association task force that took a deep look at how to prevent wrongful convictions. The task force proposed a new law to allow prisoners post-conviction access to DNA evidence; Massachusetts was one of only a handful of states that did not, by

law, grant them that right. The bill passed the Legislature in February and the governor signed it into law.

- Donnell Johnson, for one, isn't willing to sing Meier's praises. Johnson, now 34, is living in Baltimore, where he was recently laid off from his job with U-Haul. After his release from prison, Johnson went on to earn a college degree with honors. Still feeling burned by the Massachusetts criminal justice system, he hopes to go to law school, to turn his experience into something positive. Of Meier, Johnson says: "He did the right thing by going forward, but he had no choice. Don't read my case like he did me a favor."
- \*\*\*
- IT'S A DANK FRIDAY evening. The workweek is over. Downtown is emptying out. Meier isn't quite ready to go home. He lets me into what they call the war room or boiler room. It is here, under fluorescent lights in a nondescript conference room near Beacon Hill, amid bags of M&M's, jars of peanuts, and a bank of computers, that Meier and his team are trying, bit by bit, to unravel the drug lab tangle.
- He works alongside representatives from the State Police and the state Executive Office of Public Safety and Security, support staff from the Patrick administration, and one of Meier's associates from Todd & Weld. And it's a slog: scouring lists and documents for the names of defendants whose drug samples might be compromised, figuring out who's in custody where, and prioritizing the most urgent cases.
- As we discuss the enormity of the task, I'm struck by how Meier, despite the thousands of names and details and problems rolling through his mind on this Friday night, can still rattle off facets of homicide cases from years ago—the fingerprint on a coffee mug, the sweat shirt left in a kitchen. It's all cataloged up there under his trademark dark shag, which wouldn't be out of place on a Strat player in a bar band.
- In conversation, Meier, who is a stocky 5 foot 10, is chatty and informal but a stickler for accuracy. Even slight mischaracterizations or misstatements—out of my mouth or his—he feels compelled to correct. "Strike that," he says after uttering something he wants to phrase differently.
- Like many prosecutors, Meier prefers to keep his family life private. Socially, he likes to hang around law enforcement types. "You go out with the guy and he's always meeting like four Lowell cops in a bar," Jim Rehnquist says. About the only personal criticism of Meier I hear from anyone is that he has a habit of promising to call and then never does.
- On the drug lab scandal, Meier is responsible for one piece. Attorney General Martha Coakley is leading a criminal investigation into Dookhan, who, as of late November, had pleaded not guilty to two counts of obstruction of justice and one count of falsifying her academic record, charges that could bring more than 20 years in prison. The state inspector general, Glenn Cunha, is conducting a broad review of what went wrong at the lab. But it falls to Meier to begin fixing the damage that's already been done—to ensure the accused and convicted are granted their constitutional right to due process. "The goal," Meier says, "is to do everything we can to ensure that the criminal justice system gets it right." It's clear that Deval Patrick, who had ultimate authority over the troubled facility, is keeping close tabs on the fallout.
- Key players in the process want to get it right, too, but they have their concerns. For Ed Davis, one fear is that a raft of inmates may be released from prison earlier than expected. That's why Boston's police commissioner wants to make sure adequate reentry programs are in place. "There's a real balancing act that we're trying to accomplish here, by trying to be scrupulously fair to people who have had their rights violated, but also," Davis says, "making sure we're keeping the community safe."
- One glitch so far, says Michael O'Keefe, the district attorney for the Cape and Islands and president of the state District Attorneys Association, is that the drug lab data have been less complete than anticipated. After the scandal broke, he says, his top deputy and IT director were sitting in a room nine hours a day trying to build their own database of affected cases, which O'Keefe says could number 4,000 to 5,000 in his jurisdiction. (The other affected counties include Middlesex, Suffolk, Plymouth, and Essex.) The hope is that collecting names and cases from multiple sources will yield a master list from which all parties can work.
- Defense lawyers, meanwhile, raise the possibility that everything the Jamaica Plain lab processed, beyond just the cases that Dookhan herself tested, could be unreliable. Anthony Benedetti, chief counsel for the Committee for Public Counsel Services, the state public defender agency, says there are enough questions about Dookhan's motives and behavior—as well as oversight lapses at the lab—that defense lawyers may challenge any drug charges based on the lab's work, a prospect that could cost as much as \$332 million. Noting that Dookhan has allegedly admitted to State Police that she tampered with evidence, Benedetti says, "How do you know she wasn't doing that in other cases?"
- As of late November, Meier and his team had identified about 10,000 of the 34,000 people who were possibly affected by Dookhan's work, including roughly 2,000 who were in some form of custody, making them the priority. Meier's

group then planned to focus on the others, piecing together cases file by file. That process could take months.

- Ultimately the resolution of all the cases, which have begun cycling through the courts, will depend on how judges, district attorneys, defense lawyers, and other authorities decide to handle them. (Meier intends to have no role in the adjudication.) The judiciary has created special sessions devoted to drug lab cases in courthouses across the state. The remedies will be varied, and they will be vast.
- I ask Meier in one of our conversations if he misses the rough-and-tumble intensity of the Suffolk prosecutor's life. "Yes," he says with little hesitation. "I miss the intensity. I miss the camaraderie. And there are some things I don't miss." Meier, who also teaches a seminar on homicide investigations to third-year BU law students, insists he did not accept the drug lab post out of wistfulness. "In and of itself, change is good," he says. "I'm very grateful for the opportunity I've been given at my law firm."
- Those who know him, though, are thrilled to see him back in a public role. "When I heard he'd been appointed by the governor, I thought, he's back to public service\u2014\u2014because he's got this very strong streak of serving the public good," says Margaret Hinkle, a retired Superior Court judge who presided over a number of Meier's homicide cases. Hinkle and others wonder whether Meier is one day destined for the bench himself.
- For Meier\u2014\u2014just as in his early days in Middlesex, his big-ticket prosecutions in Suffolk County, and his novel work on wrongful convictions\u2014\u2014the drug lab crisis, for now, presents a chance to put his ideals into practice for a larger good.
- "In any organization or in any system, there are defining moments. There are defining times," he tells me. "And I think this is one of them for the criminal justice system." He continues: "There's no road map. There's no blueprint. But there are principles and there are priorities. And is it a challenge? Sure it is. But there's a right way of going about everything. And this is no different."

**Archived:** Tuesday, March 12, 2019 11:01:32 AM

**From:** Leone, Gerard (NOR)

**To:** Ryan, Marian (NOR); Stevens, Bethany (NOR); Walker, Jodi (NOR)

**Subject:** Re: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

**Sensitivity:** Normal

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Please resend this to me without any emails or comment. Thanks. I want to forward it and am not at my PC.

----- Original Message -----

From: Ryan, Marian (NOR)

Sent: Monday, December 10, 2012 07:42 AM

To: Stevens, Bethany (NOR); Walker, Jodi (NOR); Leone, Gerard (NOR)

Subject: Re: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

No notice?

No DAs?

----- Original Message -----

From: Stevens, Bethany (NOR)

Sent: Monday, December 10, 2012 07:39 AM

To: Ryan, Marian (NOR); Walker, Jodi (NOR)

Subject: FW: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

FYI

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From: Kaufman, Natalie (SEN) [natalie.kaufman@masenate.gov]

Sent: Friday, December 07, 2012 6:50 PM

To: Stevens, Bethany (NOR)

Subject: FW: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

You guys know about this?

From: Kelly, Katelyn (HOU) On Behalf Of Linsky, David - Rep. (HOU)

Sent: Friday, December 07, 2012 4:07 PM

To: HOU-DL - HOUSE AIDES; HOU-DL - HOUSE REPS; HOU-DL - HOUSE STAFF; SEN-DL-ALLSTAFF; SEN-DL-SENATORS

Subject: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

[cid:image002.png@01CDD4AB.BB2D0B80]

The Commonwealth of Massachusetts

Massachusetts House of Representatives

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Public Hearing into Alleged Violations at the Hinton State Drug Lab and Related Public Safety Concerns

Wednesday, December 12, 2012

12:00 P.M.

State House, Boston – Hearing Room A-1

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Chairman Harold P. Naughton Jr. of the Joint Committee on Public Safety, Chairman David P. Linsky of the Committee on Post Audit and Oversight, and Chairman Jeffrey Sánchez of the Joint Committee on Public Health are holding an oversight hearing regarding issues of public safety surrounding alleged violations of such protocols at the Hinton State Lab.

WHAT/WHO:

Hearing where testimony will be provided regarding questions surrounding issues of public safety surrounding alleged violations of such protocols at the Hinton State Lab

- Chief Justice Robert A. Mulligan
- Middlesex Sheriff Peter J. Koutoujian
- Mass Chiefs of Police Association – Chief A. Wayne Sampson, Executive Director
- Massachusetts Police Association – James Machado, Executive Director
- City of Boston
  - o Boston Police Commissioner Edward Davis
  - o Superintendent in Chief Daniel P. Linskey
  - o Aaron Tavares, Career Development Coordinator, YOU, City of Boston
- Committee for Public Counsel Services President Anthony Benedetti
- Inspector General Glenn A. Cunha

WHERE:

Massachusetts State House, Hearing Room A-1

WHEN:

Wednesday, December 12th 2012 at 12:00 p.m.

**Archived:** Tuesday, March 12, 2019 11:01:39 AM  
**From:** Leone, Gerard (NOR)  
**To:** Capeless, David (BER); Conley, Daniel (SUF)  
**Cc:** OKeefe, Michael (CPI)  
**Subject:** Re: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?  
**Sensitivity:** Normal

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While he's at it, could we add the Framingham medical dispensary and the Question #3 mess too - all DPH issues.

----- Original Message -----

From: Capeless, David (BER)  
Sent: Sunday, December 09, 2012 09:45 PM  
To: Conley, Daniel (SUF)  
Cc: Helman, Scott <shelman@globe.com>; OKeefe, Michael (CPI); DAA-DL-DA&EXEC.ASST  
Subject: Re: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

"Can this man clean up the pharmacy mess?" (Saturday promo for the Sunday Globe Magazine)  
Can the Globe get anything right?

On Dec 7, 2012, at 5:09 PM, "Conley, Daniel (SUF)" <Daniel.Conley@MassMail.State.MA.US> wrote:

> Sorry about that Scott. I confirmed with Jake that you reached out to me, so my fault for not getting back to you. I'm not sure, however, if by speaking with you about Dave Meier you would have caught the mischaracterization of the scandal though. I hope you're right and that the reader does somehow figure out that the police and prosecutors did nothing wrong here, and indeed will be the ones to investigate and ultimately resolve the thousands of cases at issue. It's important to me, however, that responsible journalists, and I know that you are one, refer to this scandal as a breach and failure at the Department of Public Health, not of law enforcement.

>

> Thanks,

>

> Dan C

>

> -----Original Message-----

> From: Helman, Scott [<mailto:shelman@globe.com>]

> Sent: Friday, December 07, 2012 4:23 PM

> To: Conley, Daniel (SUF); OKeefe, Michael (CPI)

> Cc: DAA-DL-DA&EXEC.ASST

> Subject: RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

>

> Hi Dan,

>

> Thanks for writing. I wish we would have spoken for the piece; I tried several times to include your voice.

>

> I don't think anyone reading the piece will be confused about who's at fault here, and nowhere do I suggest that DAs or cops somehow had a role in the screw-up. It is a law enforcement scandal in the sense that the problems have corrupted untold criminal cases that, as you say, you now have to clean up. Further, in a timeline that runs across the top of the story, we make clear that DPH ran the lab. It reads as follows: "John Auerbach, the commissioner of the state Department of Public Health, which had run the lab until shortly before its closure, resigns, saying, 'It is clear that there was insufficient quality monitoring, reporting, and investigating.'"

>  
> Regards,  
> Scott

>  
>  
> \* \* \* \* \*  
> Scott Helman  
> Staff writer  
> Boston Globe Magazine  
> [REDACTED] (o)  
> [REDACTED] (c)  
> shelman@globe.com  
> Twitter: @swhelman

>  
> From: Conley, Daniel (DAA) [daniel.conley@state.ma.us]  
> Sent: Friday, December 07, 2012 4:15 PM  
> To: Helman, Scott; OKeefe, Michael (DAA)  
> Cc: DAA-DL-DA&EXEC.ASST  
> Subject: RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

>  
> Hi Scott,  
>  
> I'm most disappointed that your intro to the piece refers to the corruption of chemist Annie Dookhan and the breach at the Hinton Lab as "one of the biggest law enforcement scandals this state has ever seen." Law enforcement had absolutely nothing to do with chemist Dookhan's gross misconduct or the extraordinary failure of leadership and supervision at the Department of Public Health. Blame for this scandal and the enormous fallout rests entirely with DPH. By suggesting to the reader that law enforcement had any role in this disaster is terribly inaccurate. It will be law enforcement, however, my colleagues and I, but especially our overworked and underpaid Assistant District Attorneys, who are left to clean up a mess not of our making. I believe the Globe must set the record straight on this point.

>  
> Dan Conley  
>  
> -----Original Message-----  
> From: Helman, Scott [mailto:shelman@globe.com]  
> Sent: Friday, December 07, 2012 3:53 PM  
> To: OKeefe, Michael (CPI)  
> Cc: DAA-DL-DA&EXEC.ASST  
> Subject: RE: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

>  
>  
> Michael,  
>  
> I must say I'm perplexed by your objections here. It has indeed been David's job to sift through the cases; to help arrive at a list of potentially compromised ones; to help identify and organize them in a way that allows the DAs, defense bar, and judges to adjudicate them; and, in doing so, to see that anyone denied their right to due process does in fact get that right. Of course it falls to the DAs to handle the cases in each affected jurisdiction. But again, I made that clear in the piece. This is a profile of David Meier, though, so of course I'm going to focus on his life and his role in all this above all.

>  
> Scott

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> \* \* \* \* \*



> Scott Helman  
> Staff writer  
> Boston Globe Magazine  
> [REDACTED] (o)  
> [REDACTED] (c)  
> shelman@globe.com  
> Twitter: @swhelman

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> From: OKeefe, Michael (DAA) [michael.okeefe@state.ma.us]  
> Sent: Friday, December 07, 2012 3:43 PM  
> To: Helman, Scott  
> Cc: DAA-DL-DA&EXEC.ASST  
> Subject: Re: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

> You can't be serious.

> Sent from my iPhone

> On Dec 7, 2012, at 3:39 PM, "Helman, Scott" <shelman@globe.com> wrote:

>> Michael,

>> I respect your opinion, but the piece makes perfectly clear what David's job is, and what it isn't. If you read the whole thing, you'll see that I describe what his charge is, and then how it's up to the DAs, defense attorneys, and judges to adjudicate the cases. My aim at the beginning of the piece is to define the scope of the problem in a broad way that brings readers into the story. I don't think it's misleading at all.

>> Scott

>> \* \* \* \* \*

>> Scott Helman  
>> Staff writer  
>> Boston Globe Magazine  
>> [REDACTED] (o)  
>> [REDACTED] (c)  
>> shelman@globe.com  
>> Twitter: @swhelman

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>> From: OKeefe, Michael (DAA) [michael.okeefe@state.ma.us]  
>> Sent: Friday, December 07, 2012 3:32 PM  
>> To: Helman, Scott  
>> Cc: DAA-DL-DA&EXEC.ASST  
>> Subject: RE DRUG LAB SCANDAL; WHO'S CLEANING IT UP?

>> Sir, I haven't read a more misleading introduction to a story in quite a while. My friend David Meier, through no fault of his own, has not been able to produce the kinds of lists that it was hoped he would when given the task. His job is not to "sift through thousands of state drug cases" nor is it his job "to determine which ones may be compromised by tainted evidence" nor is it his job "to shepherd them through a knotty legal system" or "to bring some measure of justice to those denied a fair trial". That is the job being done by the District Attorneys. David's job was to give us a list. The only reason this is of some importance is the hard work of sifting through these files and making the hard determinations about them falls on offices which are already stretched to the breaking point and those in the legislature who have to appropriate the funds to fix this mess need to know where to put the resources necessary to fix them.

>>  
>>  
>>

>> Michael O'Keefe, District Attorney  
>> Cape & Islands District Attorney's Office P.O. Box 455  
>> 3231 Main Street, Barnstable, MA 02630  
>> E-mail: Michael.Keefe@Massmail.state.ma.us  
>> Phone: [REDACTED]  
>> Fax: [REDACTED]  
>>

>> The information transmitted (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, is intended only for the person(s) or entity/entities to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited.

>> If you received this in error, please contact the sender and delete the material from any computer.

>>

**Archived:** Tuesday, March 12, 2019 11:01:41 AM

**From:** Leone, Gerard (NOR)

**To:** 'damichael.okeefe@gmail.com'; Maguire, Tara (DAA); Conley, Daniel (SUF)

**Subject:** Fw: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

**Sensitivity:** Normal

---

DAs role involvement in this hearing?

----- Original Message -----

From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

Sent: Monday, December 10, 2012 07:52 AM

To: Leone, Gerard (NOR)

Cc: Stevens, Bethany (NOR); Ryan, Marian (NOR)

Subject: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

The Commonwealth of Massachusetts

Massachusetts House of Representatives

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Public Hearing into Alleged Violations at the Hinton State Drug Lab and Related Public Safety Concerns

Wednesday, December 12, 2012

12:00 P.M.

State House, Boston – Hearing Room A-1

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Chairman Harold P. Naughton Jr. of the Joint Committee on Public Safety, Chairman David P. Linsky of the Committee on Post Audit and Oversight, and Chairman Jeffrey Sánchez of the Joint Committee on Public Health are holding an oversight hearing regarding issues of public safety surrounding alleged violations of such protocols at the Hinton State Lab.

WHAT/WHO:

Hearing where testimony will be provided regarding questions surrounding issues of public safety surrounding alleged violations of such protocols at the Hinton State Lab

- Chief Justice Robert A. Mulligan
- Middlesex Sheriff Peter J. Koutoujian

- Mass Chiefs of Police Association – Chief A. Wayne Sampson, Executive Director
- Massachusetts Police Association – James Machado, Executive Director
- City of Boston
  - o Boston Police Commissioner Edward Davis
  - o Superintendent in Chief Daniel P. Linskey
  - o Aaron Tavares, Career Development Coordinator, YOU, City of Boston
- Committee for Public Counsel Services President Anthony Benedetti
- Inspector General Glenn A. Cunha

WHERE:

Massachusetts State House, Hearing Room A-1

WHEN:

Wednesday, December 12th 2012 at 12:00 p.m.

**Archived:** Tuesday, March 12, 2019 11:01:50 AM

**From:** Leone, Gerard (NOR)

**To:** Maguire, Tara (DAA)

**Cc:** Conley, Daniel (SUF); 'damichael.okeefe@gmail.com'

**Bcc:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us'; Stevens, Bethany (NOR); Ryan, Marian (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

**Subject:** Re: JP Lab: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

**Sensitivity:** Normal

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I have no desire to testify in front of this group, thanks Tara.  
However, we may want our request for funds and resources made part of the hearing and record, again.

----- Original Message -----

From: Maguire, Tara (DAA)

Sent: Monday, December 10, 2012 08:13 AM

To: Leone, Gerard (NOR)

Cc: Conley, Daniel (SUF); damichael.okeefe@gmail.com <damichael.okeefe@gmail.com>; Maguire, Tara (DAA)

Subject: Re: JP Lab: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

DA Leone,

This is the same House panel before which DAs O'Keefe and Cruz testified on November 28th (after the last DA meeting). It ended with Chairman Linsky "advising" the DAs to consider the budget woes of the Commonwealth when deciding whether to re-prosecute the drug lab cases.

The DAs then were invited to testify again at this hearing (and are still welcome to). DA O'Keefe asked me to tell them that the hearing again conflicted with the monthly meeting. However, if you want to testify, I can certainly have the panel add you to the witness list. Please just let me know.

Thanks,  
Tara

On Dec 10, 2012, at 7:57 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> DA role or involvement?

>

> ----- Original Message -----

> From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

> Sent: Monday, December 10, 2012 07:56 AM

> To: Walker, Jodi (NOR); Leone, Gerard (NOR)

> Cc: Stevens, Bethany (NOR); Ryan, Marian (NOR)

> Subject: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

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> Public Hearing into Alleged Violations at the Hinton State Drug Lab and Related Public Safety Concerns

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>  
> Wednesday, December 12, 2012  
>  
> 12:00 P.M.  
>  
> State House, Boston – Hearing Room A-1  
>  
> \_\_\_\_\_  
>  
> Chairman Harold P. Naughton Jr. of the Joint Committee on Public Safety, Chairman David P. Linsky of the Committee on Post Audit and Oversight, and Chairman Jeffrey Sánchez of the Joint Committee on Public Health are holding an oversight hearing regarding issues of public safety surrounding alleged violations of such protocols at the Hinton State Lab.  
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> WHAT/WHO:  
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>  
>  
> . Chief Justice Robert A. Mulligan  
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> o Aaron Tavares, Career Development Coordinator, YOU, City of Boston  
>  
> . Committee for Public Counsel Services President Anthony Benedetti  
>  
> . Inspector General Glenn A. Cunha  
>  
> WHERE:  
> Massachusetts State House, Hearing Room A-1  
>  
> WHEN:  
> Wednesday, December 12th 2012 at 12:00 p.m.  
>

**Archived:** Tuesday, March 12, 2019 11:01:59 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR)

**Subject:** Re: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

**Sensitivity:** Normal

---

Get better.

No thanks :)

----- Original Message -----

From: Walker, Jodi (NOR)

Sent: Monday, December 10, 2012 08:04 AM

To: Leone, Gerard (NOR)

Subject: Re: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

Ok. I'll be in today. Wound up with bronchitis/walking pneumonia after I saw you last wedn. Tea? Get it while you can . . . ;)

Sent from my iPhone

On Dec 10, 2012, at 8:00 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Sent both, had sent prior, thanks

>

> ----- Original Message -----

> From: Walker, Jodi (NOR)

> Sent: Monday, December 10, 2012 07:59 AM

> To: Leone, Gerard (NOR)

> Subject: Re: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

>

> Use second email i sent you, without house of rep header. It's cleaner

>

> Sent from my iPhone

>

> On Dec 10, 2012, at 7:56 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> Thanks

>>

>> ----- Original Message -----

>> From: Walker, Jodi (DAA) [<mailto:jodi.walker@massmail.state.ma.us>]

>> Sent: Monday, December 10, 2012 07:52 AM

>> To: Leone, Gerard (NOR)

>> Cc: Stevens, Bethany (NOR); Ryan, Marian (NOR)

>> Subject: Public Safety Hearing on Hinton Drug Lab - Wednesday, Dec. 12 at 12 in A-1

>>

>>

>>

>>

>>

>> The Commonwealth of Massachusetts

>>

>> Massachusetts House of Representatives

>>

>> \_\_\_\_\_  
>>  
>>  
>>  
>> Public Hearing into Alleged Violations at the Hinton State Drug Lab and Related Public Safety Concerns  
>>  
>>  
>>  
>> Wednesday, December 12, 2012  
>>  
>> 12:00 P.M.  
>>  
>> State House, Boston – Hearing Room A-1  
>>  
>> \_\_\_\_\_  
>>  
>> Chairman Harold P. Naughton Jr. of the Joint Committee on Public Safety, Chairman David P. Linsky of the Committee on Post Audit and Oversight, and Chairman Jeffrey Sánchez of the Joint Committee on Public Health are holding an oversight hearing regarding issues of public safety surrounding alleged violations of such protocols at the Hinton State Lab.  
>>  
>> WHAT/WHO:  
>>  
>> Hearing where testimony will be provided regarding questions surrounding issues of public safety surrounding alleged violations of such protocols at the Hinton State Lab  
>>  
>>  
>> . Chief Justice Robert A. Mulligan  
>>  
>> . Middlesex Sheriff Peter J. Koutoujian  
>>  
>> . Mass Chiefs of Police Association – Chief A. Wayne Sampson, Executive Director  
>>  
>> . Massachusetts Police Association – James Machado, Executive Director  
>>  
>> . City of Boston  
>>  
>> o Boston Police Commissioner Edward Davis  
>>  
>> o Superintendent in Chief Daniel P. Linskey  
>>  
>> o Aaron Tavares, Career Development Coordinator, YOU, City of Boston  
>>  
>> . Committee for Public Counsel Services President Anthony Benedetti  
>>  
>> . Inspector General Glenn A. Cunha  
>>  
>> WHERE:  
>> Massachusetts State House, Hearing Room A-1  
>>  
>> WHEN:  
>> Wednesday, December 12th 2012 at 12:00 p.m.  
>>



**Archived:** Tuesday, March 12, 2019 11:02:24 AM

**From:** Leone, Gerard (NOR)

**To:** 'Meier, David'

**Subject:** RE: Gerry Leone follow up

**Sensitivity:** Normal

---

sure David. Good luck



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Meier, David [mailto:dmeier@toddweld.com]

**Sent:** Tuesday, December 11, 2012 9:48 AM

**To:** Leone, Gerard (NOR)

**Subject:** Fw: Gerry Leone follow up

FYI. I will follow up with Pete. Thanks for making the connection. David

---

**From:** Pete Cronan [mailto:pete.cronan@merrillcorp.com]

**Sent:** Tuesday, December 11, 2012 09:44 AM

**To:** Meier, David; jason.interrante@merrillcorp.com <jason.interrante@merrillcorp.com>; michael.boris@merrillcorp.com  
<michael.boris@merrillcorp.com>

**Subject:** Gerry Leone follow up

David,

Gerry and I spoke last night and he indicated that he would be glad to make an introduction. He and I go way back to his high school days. I can honestly say I knew him when. All good.

With respect to your schedule please provide me with a good time to reach you by phone. From Merrill's perspective exciting things are happening with the AG's office around e-Discovery and overall case management. My colleagues Mike Boris and Jason Interrante met with David Myers from your team and Omar Gonzalez Pagen from the IG/AG's office last Friday.

From that meeting we learned about some of the complexities related to the Hinton Lab matter and it seemed appropriate that I reach out to you in order to start the dialog especially around educating you to our capabilities. In simple terms we, with your help take a holistic look at a case, understand the nuances and challenges related to evidence management, develop a work flow and implement. Our objective is to serve as a true partner by adding value through our expertise.

If I don't hear from you I'll give you a call on your cell later this p.m.

Thanks

-Pete

Pete Cronan  
Regional Vice President  
Merrill Corp.



---

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

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**Archived:** Tuesday, March 12, 2019 11:02:28 AM

**From:** Leone, Gerard (NOR)

**To:** Walker, Jodi (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR)

**Subject:** RE: Meeting on DPH Lab Cases

**Sensitivity:** Normal

---

thanks, please let me know the highlights.

We want to continue to press on resources, and a legislative approval of the release of budget to us.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Walker, Jodi (NOR)

**Sent:** Monday, December 10, 2012 12:28 PM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Ryan, Marian (NOR)

**Subject:** FW: Meeting on DPH Lab Cases

FYI – MDAA is organizing a meeting of the DAOs' JP Lab / Dookhan POCs. The group appears to be leaning towards 12/18 at 11:00 a.m. A call-in option will be available. Marian and I have RSVPed yes, and we are happy to participate and report back to the group. I am not sure if MP/PW/SWE want to join or attend as well. We can also invite Anne Pogue to join too.

Thanks, jlw

*Jodi Walker*

*Legal Counsel to District Attorney Gerry Leone*

*Middlesex District Attorney's Office*

*15 Commonwealth Avenue*

*Woburn, MA 01801*

(T) [REDACTED]

(F) [REDACTED]

[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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---

**From:** Walker, Jodi (NOR)

**Sent:** Monday, December 10, 2012 12:23 PM

**To:** Maguire, Tara (DAA)

**Cc:** Ryan, Marian (NOR)

**Subject:** FW: Meeting on DPH Lab Cases

Middlesex can do the 12/18 at 11:00 a.m. – Marian and/or I will call or attend. Thank you for organizing this, Tara.

Jodi Walker  
Legal Counsel to District Attorney Gerry Leone  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]  
[Jodi.Walker@state.ma.us](mailto:Jodi.Walker@state.ma.us)

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---

**From:** Kiggen, Christine (PLY)  
**Sent:** Monday, December 10, 2012 12:18 PM  
**To:** Bolton, Paul (MID); Maguire, Tara (DAA); DAA-DL-DPH Lab Cases  
**Subject:** RE: Meeting on DPH Lab Cases

11:00 on the 18th is best for Plymouth Cty

Sent from my Windows Phone

---

**From:** Bolton, Paul (MID)  
**Sent:** 12/10/2012 12:10 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DPH Lab Cases  
**Subject:** RE: Meeting on DPH Lab Cases

I will most likely be in court at 10 on both days. It is possible that 11 may work on the 18<sup>th</sup>

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, December 10, 2012 11:27 AM  
**To:** DAA-DL-DPH Lab Cases  
**Subject:** Meeting on DPH Lab Cases

Good Morning,

All counties have indicated they would like to participate in a meeting. Please let me know if you are available on the below dates and times:

Thursday, December 13<sup>th</sup> at 10 AM  
Tuesday, December 18<sup>th</sup> at 10 AM

The meeting time can also be moved to 11 AM if that is convenient to most. A call in option will be available.

Thank you,  
Tara

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, December 05, 2012 12:14 PM

**To:** DAA-DL-DPH Lab Cases  
**Subject:** Meeting on DPH Lab Cases


Hi,

Norfolk County has suggested a meeting at MDAA of the point person(s) in each DA office on the DPH Lab Cases. (A call-in option would also be available.) It would provide the opportunity to discuss how these cases are progressing in each county, and how the individual offices are addressing them. We could also discuss if you would like MDAA to set up a repository on The Prosecutor Encyclopedia website, accessible only by prosecutors, for DPH related memos, motions, etc.

Please let me know if you would find a meeting within the next two weeks helpful.

Also, this email distribution list (DAA-DL-DPH Lab Cases), which includes the DPH Lab point person(s) in each of the DA offices, is now on the global address list. Please let me know if anyone should be added.

Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, 202  
Boston, MA 02114  


**Archived:** Tuesday, March 12, 2019 11:02:43 AM  
**From:** Maguire, Tara (DAA)  
**Sent:** Wed, 12 Dec 2012 15:42:08  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: CLE: FREE Training Related to Dookhan/DPH Cases Part II, Dec. 20  
**Sensitivity:** Normal

---

Wow. And thank you!

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, December 12, 2012 1:38 PM  
**To:** Maguire, Tara (DAA)  
**Subject:** Fw: CLE: FREE Training Related to Dookhan/DPH Cases Part II, Dec. 20

---

**From:** Massachusetts Bar Association [[mailto:membership\\_info@massbar.org](mailto:membership_info@massbar.org)]  
**Sent:** Wednesday, December 12, 2012 01:27 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** CLE: FREE Training Related to Dookhan/DPH Cases Part II, Dec. 20



## Training Related to Dookhan/DPH Cases Part II: Post Conviction Issues & Discovery Updates

### **MBA ON DEMAND™**

*Unable to come to Boston? This program is available as a real-time Webcast. When registering, participants can choose to attend virtually from a home or office computer. If you choose to attend the program via real-time Webcast, space is limited. Registrants will be taken on a first-come, first-served basis.*

The Committee for Public Counsel Services will present a second FREE training to inform members of the defense bar about the latest information on cases emanating from the DPH/Hinton laboratory from 2003 to the present, and to present information and practice tips on post-conviction litigation of these cases.

Anne Goldbach, forensic services director of CPCS, and Nathan Tamulis, forensic services attorney, will provide an update on discovery received in connection with the state police investigation of the Hinton DPH Drug Lab and Annie Dookhan. Debra Krupp, CPCS training coordinator, Terry Nagel, senior appellate counsel at CPCS and attorney Michael Traft will

*Course #: CJD13*

*Thursday, Dec. 20  
2:30-5 p.m.*

**MBA**  
*20 West St.  
Boston*

**Faculty:**

**Anne Goldbach, Esq.**  
*Program chair  
CPCS-Boston  
Boston*

**Nathan Tamulis, Esq.**  
*CPCS-Boston  
Boston*

**Debra Krupp, Esq.**  
*CPCS-Boston  
Boston*

**Terry Nagel, Esq.**  
*CPCS-Boston  
Boston*

**Michael Traft, Esq.**  
*Law Office of Michael J.  
Traft  
Boston*

address motions to withdraw guilty pleas and motions for new trial, including the tactical considerations and practical issues of litigating these post-conviction cases.

The courts around the state are moving into the second phase of addressing these cases and hearings on motions for new trial will commence shortly. It will be a massive undertaking to ensure each client receives effective representation. For this reason, it is imperative you attend if you have either a Dookhan case or a case involving the DPH more generally -- whether past or present.

*Also, before filing any motions on your client's behalf, you must meet your client and make sure that filing a post-trial motion is in your client's best interest, and some clients may be prejudiced by filing such a motion.*

**[Click here to view the MBA's Drug  
Lab Crisis Resource Center.](#)**

**Price:**  
FREE

**Registration:**  
For more information, or to register, call Member Services at (617) 338-0530 or [click here](#).

**NOTE:** Pre-registration is strongly recommended as space is limited. Pre-registrations cannot be processed without payment by check or credit card. Walk-ins on the day of the program cannot be guaranteed program materials or a seat.

All programs are subject to cancellation. To check the status of a program, visit [www.MassBar.org](http://www.MassBar.org) or call (617) 338-0530 on the day of the program.

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Massachusetts Bar Association | 20 West St | Boston | MA | 02111





**Archived:** Tuesday, March 12, 2019 11:02:56 AM  
**From:** Guyotte, Stephanie (NOR)  
**Sent:** Mon, 17 Dec 2012 14:25:13  
**To:** Leone, Gerard (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR)  
**Cc:** Long, MaryBeth (NOR)  
**Subject:** Dookhan Indicted  
**Sensitivity:** Normal

---

STATE CAPITOL BRIEFS – AFTERNOON EDITION – MONDAY, DEC. 17, 2012  
STATE HOUSE NEWS SERVICE

**DOOKHAN INDICTED BY GRAND JURY ON 27 CHARGES**

A grand jury on Monday indicted the chemist at the center of the Hinton drug lab scandal on 27 charges related to altering drug evidence that has compromised thousands of convictions over the past eight years, according to Attorney General Martha Coakley's office. Annie Dookhan, 34, of Franklin, was indicted on 17 counts of obstruction of justice, eight counts of tampering with evidence, perjury and falsely pretending to hold a degree from a college or university after lying about having a graduate degree from UMass Boston. She will be arraigned on Dec. 20 in Suffolk Superior Court. Coakley said the investigation "remains ongoing." "We allege that Annie Dookhan tampered with drug evidence and fabricated test results on multiple occasions. Her alleged actions have sent ripple effects throughout the criminal justice system. We are committed to working with all stakeholders to fix this situation and restore trust in the criminal justice system," Coakley said in a statement. – M. Murphy/SHNS

**Archived:** Tuesday, March 12, 2019 11:03:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ramasci, Michelle (NOR)  
**Subject:** Re: Inspector general seeks greater powers - The Boston Globe  
**Sensitivity:** Normal

---

Thx

----- Original Message -----

From: Ramasci, Michelle (NOR)  
Sent: Monday, December 17, 2012 10:49 AM  
To: Leone, Gerard (NOR)  
Subject: Re: Inspector general seeks greater powers - The Boston Globe

Yes, I have been communicating with his asst to reschedule. He is willing to come to Woburn.

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Monday, December 17, 2012 10:47 AM  
To: Ramasci, Michelle (NOR)  
Subject: Fw: Inspector general seeks greater powers - The Boston Globe

-----Original Message-----

From: Cunha, Glenn (IGO)  
To: Leone, Gerard (NOR)  
ReplyTo: cunhagl@maoig.net  
Subject: Re: Inspector general seeks greater powers - The Boston Globe  
Sent: Dec 17, 2012 7:56 AM

Gerry,  
Thanks for your email. This is what I wanted to discuss. The original article ran a couple of weeks ago and I have been speaking to a number of legislators and others whom this change could affect. Last week I testified before a joint House committee regarding the Hinton Lab investigation and I addressed this issue. At some point I would like to speak with the DA's as a group. If you have time in the next few weeks to meet, I'd appreciate it.

Thanks,

Glenn

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us>  
Date: Mon, 17 Dec 2012 06:50:55  
To: Cunha, Glenn (IGO)<cunhagl@maoig.net>  
Cc: Leone, Gerard (NOR)<gerry.leone@massmail.state.ma.us>  
Subject: Inspector general seeks greater powers - The Boston Globe

Glenn:

I read this article in the Globe today. I know we have been trying to schedule some time to talk at your request, and I have been keeping this to myself in the meantime. However, once other DAs see this article, they might start inquiring and forming opinions. Where I fought an uphill battle with my colleagues in my support for the AG's bid to have statewide GJ powers, I am anticipating objections to these new IG powers. Do you still want to meet, where this is now public? I obviously can't speak for my colleague DAs, unless we

bring it to the MDAA for discussion.  
Gerry

---

The following appeared on [Bostonglobe.com](http://Bostonglobe.com):

**Archived:** Tuesday, March 12, 2019 11:03:02 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'cunhagl@maoig.net'  
**Bcc:** Ramasci, Michelle (NOR)  
**Subject:** Re: Inspector general seeks greater powers - The Boston Globe  
**Sensitivity:** Normal

---

Sure Glenn. Michelle has been trying to set us up. I had to cancel last week due to an unanticipated conflict. We'll get on that.

Thanks

Gerry

-----Original Message-----

From: Cunha, Glenn (IGO)

To: Leone, Gerard (NOR)

ReplyTo: cunhagl@maoig.net

Subject: Re: Inspector general seeks greater powers - The Boston Globe

Sent: Dec 17, 2012 7:56 AM

Gerry,

Thanks for your email. This is what I wanted to discuss. The original article ran a couple of weeks ago and I have been speaking to a number of legislators and others whom this change could affect. Last week I testified before a joint House committee regarding the Hinton Lab investigation and I addressed this issue. At some point I would like to speak with the DA's as a group. If you have time in the next few weeks to meet, I'd appreciate it.

Thanks,

Glenn

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us>

Date: Mon, 17 Dec 2012 06:50:55

To: Cunha, Glenn (IGO)<cunhagl@maoig.net>

Cc: Leone, Gerard (NOR)<gerry.leone@massmail.state.ma.us>

Subject: Inspector general seeks greater powers - The Boston Globe

Glenn:

I read this article in the Globe today. I know we have been trying to schedule some time to talk at your request, and I have been keeping this to myself in the meantime. However, once other DAs see this article, they might start inquiring and forming opinions. Where I fought an uphill battle with my colleagues in my support for the AG's bid to have statewide GJ powers, I am anticipating objections to these new IG powers. Do you still want to meet, where this is now public? I obviously can't speak for my colleague DAs, unless we bring it to the MDAA for discussion.

Gerry

---

The following appeared on Bostonglobe.com:

**Archived:** Tuesday, March 12, 2019 11:05:36 AM

**From:** Leone, Gerard (NOR)

**To:** Pelgro, Michael (NOR); Ryan, Marian (NOR); Walker, Jodi (NOR); Pogue, Anne (NOR)

**Cc:** Wechsler, Pamela (NOR)

**Subject:** Re: Annie Dookhan Indictment

**Sensitivity:** Normal

---

Thanks

---

**From:** Pelgro, Michael (NOR)

**Sent:** Monday, December 17, 2012 03:49 PM

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Pogue, Anne (NOR)

**Cc:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)

**Subject:** Annie Dookhan Indictment

I spoke to John Verner, who stated that the AGO has indicted AD on various charges.

Three of the obstruction counts relate to her false testimony in Middlesex cases:

██████████ – 2008 Superior Court case;

██████████ – 2009 Superior Court case;

██████████ – 2009 District Court case – ██████████

There are transcripts of her testimony in each of these cases.

He also mentioned that they would be sending us more reports in the next week or so.



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)

██████████ (office)  
██████████ (fax)  
██████████ (mobile)

**Archived:** Tuesday, March 12, 2019 11:05:38 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us'  
**Cc:** Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB : AG Police Reports on Dookhan matter  
**Sensitivity:** Normal

---

Thanks Marian

---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, December 21, 2012 08:51 AM  
**To:** Leone, Gerard (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Cc:** Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB : AG Police Reports on Dookhan matter

We will talk w Anne about putting together another discovery notice-  
Thanks-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, December 20, 2012 05:24 PM  
**To:** Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>  
**Cc:** Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
**Subject:** JP LAB : AG Police Reports on Dookhan matter

---


**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, December 20, 2012 05:22 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** DAA-DL-DPH Lab Cases  
**Subject:** AG Police Reports on Dookhan matter

---

To the DAs,

Attached please find a series of police reports on the Dookhan matter from the Attorney General's Office. See below for description of documents.

Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, 202  
Boston, MA 02113  


---

**From:** O'Brien, Meghan (AGO)  
**Sent:** Thursday, December 20, 2012 4:59 PM  
**To:** Maguire, Tara (DAA)

**Cc:** Kaczmarek, Anne (AGO); Verner, John (AGO)

**Subject:**

Tara,

Attached please find the reports in John's email below:

Tara,

Can you please forward these reports to all the DA's offices. They are a series of reports on the Dookhan matter, specifically;

- 1) 4 page Massachusetts State Police Interview Report re: Dr. Linda Han
- 2) 3 page Massachusetts State Police Interview Report re: Annie Dookhan's Key
- 3) 5 page Massachusetts State Police Interview Report re: ADA George papachristos
- 4) 2 page Massachusetts State Police Interview Report re: Peter Piro Follow Up Interview
- 5) 2 page Massachusetts State Police Interview Report re: Entry into JP Drug Lab on 11/7/12

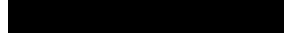
Thank you and have a great holiday

John

Thank you,

*Meghan O'Brien*

Administrative Assistant  
Office of the Attorney General  
Criminal Bureau  
One Ashburton Place, 19th Floor  
Boston, MA 02108



[Meghan.O'Brien@state.ma.us](mailto:Meghan.O'Brien@state.ma.us)

**Archived:** Tuesday, March 12, 2019 11:06:07 AM

**From:** Long, MaryBeth (NOR)

**Sent:** Fri, 21 Dec 2012 10:51:02

**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Pogue, Anne (NOR); Leone, Gerard (NOR)

**Cc:** Guyotte, Stephanie (NOR)

**Subject:** Boston Globe, Dec 21, 2012--re. Dookhan emails to prosecutors

**Sensitivity:** Normal

---

## **Chemist's e-mails show ties to prosecutors**

**By Andrea Estes and Scott Allen, The Boston Globe, December 21, 2012**

**<http://www.bostonglobe.com/metro/2012/12/21/indicted-drug-analyst-annie-dookhan-mails-reveal-her-close-personal-ties-prosecutors/O4I2O43NxHBPI60zAnxGvO/story.html>**

- Annie Dookhan was supposed to be an independent witness, a state chemist coolly analyzing drug evidence for the court. But her e-mails over the last nine years, obtained by the Globe, vividly detail her close relationship with prosecutors, including a man to whom she poured her heart out, and her strong desire to put suspects behind bars.
- Dookhan, arraigned Thursday on 15 counts of altering drug evidence and obstructing justice, viewed herself as part of the prosecution team, the e-mails show. She coached assistant district attorneys on trial strategy and told one that her goal was “getting [drug dealers] off the streets.” When Dookhan told a prosecutor that she could not testify in her case, the woman replied with an anguished: “No no no!!! I need you!!!”
- The e-mails show that her close relationships extended beyond Norfolk Assistant District Attorney George Papachristos, who resigned in October after the Globe disclosed his flirtatious friendship with Dookhan. But Dookhan appeared to have a special fondness for Papachristos, even sending him copies of an e-mail in which she said she needed a man “to love me and make me laugh.”
- The collection of more than 1,000 e-mails could raise new questions about the reliability of any of Dookhan’s work in the 34,000 drug cases she handled since 2003 at the state drug lab in Jamaica Plain. Dookhan’s admitted altering of test results and mishandling of evidence has already led to the release from jail of 159 drug case defendants, with many more expected to be freed.
- The e-mails show Dookhan was prone to fabrications, repeatedly making up grandiose job titles for herself, such as “special agent of operations” for the FBI and other federal agencies.
- She was also far from the impartial analyst her job description demanded, regularly doing favors for prosecutors while treating defense attorneys warily, asking prosecutors if she should even respond to their requests.
- The correspondence also raises questions about what role prosecutors may have played in encouraging Dookhan’s alleged misconduct.
- The married, 35-year-old chemist’s friendly relationship with Papachristos, 37, finally went over the line for Dookhan’s husband in 2009. Having apparently discovered the exchanges between his wife and the prosecutor, he contacted Papachristos using his wife’s phone.
- “I got 8 text messages on my work cellphone from your cell, and they (sic) according to the messages, they were from your husband. He said a few things that didn’t make any sense to me,” wrote Papachristos to Dookhan on August 12, 2009. “I have to tell my bosses because it was on my work cell and he made several accusations that have no basis.”
- Papachristos has denied that the two had an affair. The e-mails show they worked closely — “Glad we are on the same team,” he once wrote Dookhan — including one day in May 2010 when he told her he needed a marijuana sample to weigh at least 50 pounds so that he could charge the owners with drug trafficking.
- “Any help would be greatly appreciated!” he wrote, punctuating each sentence with a long string of exclamation points. “Thank you!”
- Two hours later, Dookhan responded: “OK . . . definitely Trafficking, over 80 lbs.” Papachristos thanked her profusely.



- Papachristos may only have been asking for clarification and not asking Dookhan to offer an inflated weight, but investigators have charged that Dookhan was more than willing to alter drug test results to find a defendant guilty. In fact, Dookhan is facing charges that she fabricated test results for another case that Papachristos prosecuted.
- Both Norfolk District Attorney Michael Morrissey and Papachristos's lawyer, Daniel W. O'Malley, said the prosecutor did nothing wrong and has already been cleared by the attorney general.
- "George Papachristos was a dedicated and seasoned prosecutor who voluntarily met with two assistant attorneys general and two Massachusetts state troopers regarding Annie Dookhan, and he answered all of their questions," O'Malley said. "He engaged in no wrongdoing, and he is not accused of engaging in any wrongdoing."
- Dookhan's e-mails make it clear she was highly regarded, both by prosecutors and people inside the state drug lab in Jamaica Plain where she processed more than twice as many drug cases as anyone else.
- "Some of the senior chemists are becoming full of themselves and using my name and reputation for their own advancement," Dookhan complained in March 2011 to Debra Payton, a Norfolk County assistant district attorney.
- Dookhan's direct supervisors did little to prohibit her continued involvement in drug cases even after she was caught improperly removing drugs from the evidence storage area for 60 Norfolk County cases in June 2011.
- Just before she resigned under pressure in March 2012, Dookhan was preparing to testify in upcoming drug trials, and even though she was not allowed to do any more drug tests, she still had free run of the lab.
- "I have full access to anything and everything, one of the advantages, so some of the other chemists are resentful of me," she wrote to Papachristos in November 2011.
- Dookhan pleaded not guilty to 15 felony charges in Suffolk Superior Court Thursday in a case that has mushroomed into the biggest law enforcement scandal in recent Massachusetts history. The State Police have closed the lab altogether, and at least five officials responsible for oversight of the lab have resigned or been fired.
- Meanwhile, the cost of the scandal threatens to top \$100 million, and public safety officials fear a crime wave as one convicted drug offender after another is released. Eight have already been rearrested on new charges.
- Dookhan's attorney, Nicolas Gordon, declined to comment because he has not seen the e-mails, but he said he thinks the correspondence will prove critical in her defense. He did not elaborate.
- Dookhan allegedly said to State Police last summer, "I screwed up big time."
- In e-mails, Dookhan portrayed herself as a woman proud of her extraordinary work ethic. She described taking drug analysis work with her on a family vacation to Spain in 2010 and boasted that she was usually at work long before the rest of the staff.
- "I believe you are the hardest working drug chemist I have worked with," Papachristos told her in March 2011.
- Dookhan also exaggerated her credentials; she is facing one criminal charge for falsely claiming to have a master's in chemistry in court testimony. In e-mails, Dookhan identified herself by a variety of titles, including "on-call terrorism supervisor," for jobs authorities say she did not have.
- Several prosecutors seemed to take particular delight in working with Dookhan, especially in Norfolk County. Payton called herself an Annie Dookhan "hog" because she was so eager to get Dookhan's help analyzing drug samples. Payton addressed Dookhan and one other chemist as her "dream team!"
- Allison Callahan, a Suffolk assistant district attorney, was so happy with Dookhan's help on a big marijuana case that she promised to take her to an upscale bar to celebrate after the defendant pleaded guilty.
- "Hey, Annie, you're the best!" Callahan wrote in July 2011. "The ton of weed case pled after your testimony. I think the defense was impressed that a tiny woman could lift those bails [sic] of marijuana. I owe you drinks, Gypsy Bar:)"
- But it was Dookhan's relationship with Papachristos that proved most friendly and most problematic. From an initial e-mail meeting over a case in March 2009 she called him Mr. Papachristos, and he asked if it was "OK if I call you Annie?" — their online friendship graduated to cards of encouragement from Dookhan and swapping stories of their shared Greek heritage.
- "When you get upset and frustrated, there's always M&Ms; at least my cure all is chocolate," Dookhan wrote to Papachristos in June 2009. "But just know you have a friend if you need to talk or anything."
- "My problems are far less important than yours, believe me," Papachristos wrote in August 2009 after she apparently told him about her marital problems. "Mine revolve around meeting the right girl, which up to this point hasn't happened, and it

is very frustrating.”

- The e-mails suggest that the pair met in person only a handful of times, but their correspondence continued to be unusually personal long after Papachristos received threatening text messages from Dookhan’s husband, Surren Dookhan in August 2009.
- They called each other nicknames — she was “kiddo,” he was “old man” — and shared dreams: Papachristos desperately wanted to be a federal agent for the FBI or the Drug Enforcement Agency and Dookhan tried to help him, to no avail.
- By late 2009, Dookhan was using her maiden name, Khan, and saying she was divorced, though it is unclear if that was true. In 2012, she told State Police she was still going through a long divorce and her husband was in the house when they interviewed her.
- In December 2009, Dookhan appeared to create fictitious e-mails purportedly from an assistant US attorney in which she discussed her lonely romantic life and sent copies to Papachristos. The US attorney’s name was misspelled and federal officials said the emails were never sent.
- “We have all decided that you need a boyfriend,” read the fictitious e-mail signed by “Susanne Sullivan,” who spells her first name with a Z. “It’s been three months since your divorce.”
- “Boyfriend!” shot back Dookhan, in an e-mail that included photos and was copied to Papachristos. “I just want someone to love me and make me laugh and smile.”
- The following April, Papachristos received an ominous message, this one from Annie Dookhan’s e-mail account, though not necessarily written by her:
- “Everything that you know about me and my personal life is a lie,” the brief e-mail read. “I have lied to you about my marriage and my husband. I will have no contact with you in the future.”
- Papachristos wrote back unusually formally, seemingly aware that Annie Dookhan’s husband might be reading:
- “I am not sure, nor do I want to know, why I was sent this e-mail or whether I am in the middle of possible marital discourse, but I do not want to be,” he wrote in March 2010, “I do not get involved personally with any potential or actual witnesses.”
- Annie Dookhan responded stiffly, writing back that her relationship was strictly professional, as Papachristos had requested.
- But exactly 44 minutes after that, Papachristos resumed his familiar tone, addressing Dookhan as “Annie!” in his next message.
- Dookhan and Papachristos stayed in contact for months after she was banned from doing more drug tests, with Dookhan giving no hint of mounting trouble.

**Archived:** Tuesday, March 12, 2019 11:06:14 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR)  
**Subject:** RE: Annie Dookhan Cases  
**Sensitivity:** Normal

---

Thanks! Same to you. Sad.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Friday, December 21, 2012 2:41 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Annie Dookhan Cases

Thanks-  
Sorry didn't get to say Merry Christmas in person this morning-just too big a crowd-  
Enjoy!!

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, December 21, 2012 02:30 PM  
**To:** Ryan, Marian (NOR); Walker, Jodi (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** Annie Dookhan Cases

fyi

---


**From:** Frank Widmayer [<mailto:fwidmayer@acton-ma.gov>]  
**Sent:** Friday, December 21, 2012 2:14 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Annie Dookhan Cases

Gerry,

It occurred to me that you might want the actual data for our cases that Det. Chris Browne put together for me. If it's useful pass it along.

Hope you have some good holidays.

Regards,  
Frank

Frank J. Widmayer III  
Chief of Police  


**Archived:** Tuesday, March 12, 2019 11:06:17 AM  
**From:** Leone, Gerard (NOR)  
**To:** Widmayer, Chief Frank J. III  
**Subject:** RE: Annie Dookhan Cases  
**Sensitivity:** Normal

---

Thanks a lot Frank.  
I appreciate it.  
Enjoy restful holidays.

---


**From:** Frank Widmayer [mailto:fwidmayer@acton-ma.gov]  
**Sent:** Friday, December 21, 2012 2:14 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Annie Dookhan Cases

Gerry,

It occurred to me that you might want the actual data for our cases that Det. Chris Browne put together for me. If it's useful pass it along.

Hope you have some good holidays.

Regards,  
Frank

Frank J. Widmayer III  
Chief of Police  


**Archived:** Tuesday, March 12, 2019 11:06:19 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

**Subject:** RE: Emails/Public Records

**Sensitivity:** Normal

---

Good idea.

We have one in the bank, so no reason to recreate the wheel, other than to assess our present communication and policies on this topic.

---

**From:** Wechsler, Pamela (NOR)

**Sent:** Friday, December 21, 2012 10:02 AM

**To:** Leone, Gerard (NOR); Walker, Jodi (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR)

**Subject:** Emails/Public Records

In reviewing our public records responses and reading about Annie Dookhan emails, I think it may be time to send a reminder out to staff about email communications – that email communications relating to cases are often discoverable and subject to public records requests. Thoughts?

**Archived:** Tuesday, March 12, 2019 11:06:38 AM

**From:** Leone, Gerard (NOR)

**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Bcc:** 'jodi.walker@state.ma.us'; Ryan, Marian (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** JP LAB Re: Hinton Lab Case information

**Sensitivity:** Normal

---

I had a chance to raise budget with Senator Spilka and Rep. Linsky at an event yesterday, expressing my displeasure at the 1% 9C request coupled with JP Lab and MSP OT issues.

They indicated that there was no way the Leg was going to allow A&F to distribute any JP Lab funds.

This delay in our receiving JP Lab funds remains unacceptable and there is seemingly no light at the end of this tunnel yet.

---

**From:** Maguire, Tara (DAA)

**Sent:** Friday, December 21, 2012 05:25 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** FW: Hinton Lab Case information

To the DAs,

Please see below for an update on the Hinton Lab funding and the Inspector General's audit. There has been much discussion among the Ways & Means/ANF analysts that the main supplemental budget for the Hinton Lab may not move until February.

Thanks,

Tara

---

**From:** Maguire, Tara (DAA)

**Sent:** Friday, December 21, 2012 5:23 PM

**To:** DAA-DL-DPH Lab Cases

**Subject:** Hinton Lab Case information

Hi all,

The Office of Administration and Finance (ANF) is trying to get "emergency funding" to the Inspector General so that he may begin the full audit of the Hinton Laboratory on January 3<sup>rd</sup>. In order to get such funding, without a legislative appropriation, ANF must convince the comptroller of the need and urgency.

ANF called me to ask about the detrimental effects of the Hinton Lab being "locked down" until the IG's audit is complete. Specifically,

1. Are cases being dismissed as a result of the delay in discovery from the Hinton Lab? If so, can you estimate how many, and are they being dismissed without prejudice?
2. Do you have anecdotal information or stories that highlight the problems with the delayed discovery?

The Inspector General called earlier today as well. He expects the physical review of the lab will take one month. That is, if the experts can begin work on January 3<sup>rd</sup>, then he will "unfreeze" the lab in early February. This would allow Doug Rice to get into the lab to provide further discovery. Please note the IG's report on the lab will take longer; he is only referring to his need to have the lab relatively "untouched".

If you have any questions or concerns, please do not hesitate to call or email me. If you have any information for ANF, please let me know so that they can make the argument to the comptroller.

(As an aside, I repeatedly pointed out the urgency for funding of the DAs offices too.)

Thanks,

Tara

Tara Maguire

Executive Director

Massachusetts District Attorneys Association

1 Bulfinch Place, 202

Boston, MA 02114



**Archived:** Tuesday, March 12, 2019 11:06:49 AM

**From:** Leone, Gerard (NOR)

**To:** 'Marian.Ryan@state.ma.us'; 'Jodi.Walker@state.ma.us'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Irwin, Chris (NOR); Long, MaryBeth (NOR)

**Cc:** Ramasci, Michelle (NOR)

**Subject:** Dookhan

**Sensitivity:** Normal

---

FYI



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Verner, John (AGO)

**Sent:** Thursday, January 03, 2013 8:40 AM

**To:** Leone, Gerard (NOR)

**Subject:** RE:

My pleasure and yes, please feel free to tell whomever.

---

**From:** Leone, Gerard (NOR)

**Sent:** Thursday, January 03, 2013 8:24 AM

**To:** Verner, John (AGO)

**Subject:** RE:

Thanks John. I appreciate the heads up.

Ok for me to tell leadership here to give them the heads up?

*Gerard T. Leone, Jr. | Middlesex District Attorney*  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Verner, John (AGO)

**Sent:** Thursday, January 03, 2013 7:56 AM

**To:** Leone, Gerard (NOR)

**Subject:**



Happy New Year Gerry,

I just wanted to give you a quick heads up that we will be arranging Dookhan in Middlesex on 1/9 at 9 AM in the magistrate session. The defense lawyer has not yet agreed to consolidate the charges from around the different counties. I think there are three or so Middlesex based charges, all for 268/13B intimidation of a witness (which we are calling obstruction of justice) for testifying falsely about her qualifications. I gave Mike the details when the indictments came down. Let me know if you would like any other information.

Hope you had a good holiday season

John

**Archived:** Tuesday, March 12, 2019 11:06:59 AM  
**From:** Leone, Gerard (NOR)  
**To:** Verner, John (AGO)  
**Subject:** RE:  
**Sensitivity:** Normal

---

thanks



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

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**Sent:** Thursday, January 03, 2013 8:40 AM  
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**To:** Verner, John (AGO)  
**Subject:** RE:

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**Sent:** Thursday, January 03, 2013 7:56 AM  
**To:** Leone, Gerard (NOR)  
**Subject:**

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Hope you had a good holiday season

John

**Archived:** Tuesday, March 12, 2019 11:07:16 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'Rudewicz, Frank'  
**Subject:** RE: Schools - Risk, Threat, Vulnerability Assessments  
**Sensitivity:** Normal

---

[REDACTED]



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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---

**From:** Rudewicz, Frank [mailto:Frank.Rudewicz@marcumllp.com]  
**Sent:** Thursday, January 10, 2013 12:50 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Schools - Risk, Threat, Vulnerability Assessments

[REDACTED]



**Frank Rudewicz** [Profile](#)

Partner  
Marcum LLP  
53 State Street  
Boston, MA 02109  
P: [REDACTED]  
F: [REDACTED]  
[Frank.Rudewicz@marcumllp.com](mailto:Frank.Rudewicz@marcumllp.com)



---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]  
**Sent:** Thursday, January 10, 2013 12:31 PM  
**To:** Rudewicz, Frank  
**Subject:** RE: Schools - Risk, Threat, Vulnerability Assessments

[REDACTED]

[REDACTED]



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Rudewicz, Frank [mailto:Frank.Rudewicz@marcumllp.com]  
**Sent:** Thursday, January 10, 2013 9:15 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Schools - Risk, Threat, Vulnerability Assessments

[REDACTED]

[REDACTED]

Also FYI: I will be engaged by the IG to do the Hinton lab review. Signing the contract this week



*Frank Rudewicz* [Profile](#)

*Partner*

Marcum LLP

53 State Street

Boston, MA 02109

P: (617) 226-0487

F: (617) 742-3178

[Frank.Rudewicz@marcumllp.com](mailto:Frank.Rudewicz@marcumllp.com)



---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]  
**Sent:** Saturday, January 05, 2013 10:24 AM  
**To:** Rudewicz, Frank; 'dmckay@fairfaxgroup.us'; 'MSullivan@Ashcroftlawfirm.com'; 'bl@boblongpi.com'  
**Subject:** Re: Schools - Risk, Threat, Vulnerability Assessments

[REDACTED]

---

**From:** Rudewicz, Frank [mailto:Frank.Rudewicz@marcumllp.com]  
**Sent:** Saturday, January 05, 2013 09:53 AM  
**To:** Leone, Gerard (NOR); Drew McKay (dmckay@fairfaxgroup.us) <dmckay@fairfaxgroup.us>; Mike Sullivan (MSullivan@Ashcroftlawfirm.com) <MSullivan@Ashcroftlawfirm.com>; 'bl@boblongpi.com' <bl@boblongpi.com>  
**Subject:** RE: Schools - Risk, Threat, Vulnerability Assessments

[REDACTED]

[REDACTED]

[REDACTED]

**Frank Rudewicz** [Profile](#)

Partner

Marcum LLP

53 State Street

Boston, MA 02109

P: [REDACTED]

F: [REDACTED]

[Frank.Rudewicz@marcumllp.com](mailto:Frank.Rudewicz@marcumllp.com)

[REDACTED]

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]

**Sent:** Friday, January 04, 2013 11:26 AM

**To:** Drew McKay (dmckay@fairfaxgroup.us); Mike Sullivan (MSullivan@Ashcroftlawfirm.com); Rudewicz, Frank; 'bl@boblongpi.com'

**Subject:** Schools - Risk, Threat, Vulnerability Assessments

[REDACTED]

[REDACTED]

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 11:07:29 AM  
**From:** Sullivan, David (NWD)  
**Sent:** Wed, 16 Jan 2013 08:31:30  
**To:** Maguire, Tara (DAA); DAA-DL-ALL.DAs  
**Cc:** Bucci, Jeremy (NWD); Townsend, Thomas (NWD); Janice Healy; David Sullivan  
**Subject:** Proposed DA Legislative Package  
**Sensitivity:** Normal

---

Dear Colleagues: My apologies for late comments. I suggest we select the Acts that are our highest priority and have the best chance of success. See you at meeting. Dave

**An Act relative to improving the administration and efficiency of the judicial system**

**1. Bail Review Reform**

- Strengthen the existing law by ending de novo reviews in Superior Court; set standard by limiting review to clear errors of fact or law, and require written reasons for upward or downward departures.

Opinion: District Court judges need to have their bail power and authority subject to de novo review. The proposed review standard will make it nearly impossible to get a bona fide bail review. Keep the current bail review statute but amend to allow up to 3 business days for review. MBA, BBA, CPCS, entire private defense bar, and others will strongly oppose elimination of de novo review

**2. Dangerousness Hearings – technical correction**

- Close loophole so that prosecutor can move for pre-trial detention of defendants who appear before the court having never been arrested (i.e., on straight warrants) or who were arrested, but were released from police station on bail or personal recognizance.

Opinion: A good change to close a gaping loophole. It creates a necessary check on clerks and assistant clerk-magistrates who mistakenly or carelessly release dangerous defendants.

**3. DA Control of the Trial List**

- Prohibit judges from *sua sponte* changing the priority of trials or adding new cases to the list unless both the Commonwealth and the defense agree, or one of the parties specifically requests a judge to do so; clarify that a judge may not force the Commonwealth to trial or dismiss a case unless there has been a constitutional or statutory violation of defendant's rights to a speedy trial.

Opinion: The DA control of the trial list is essential to our statutory and constitutional duties to ensuring prosecutorial discretion. However, under bill, impairing a judge's ability to dismiss for lack of prosecution may tread upon judicial authority.



## **An Act relative to domestic violence and public safety**

### **1. Protection from Domestic Abuse (\*\*New language replacing Assault and Battery Domestic Violence – fix)**

- Establishes a heightened penalty (up to 5 years SP; 2 ½ HOC) for a domestic assault and battery conviction, if defendant has previously been convicted of one of the enumerated offenses.

Opinion: There definitely needs to be a fix to DV law to allow enhanced penalties for second and subsequent offenders. I agree with Dan's analysis of unfairly penalizing a first-time DV offender who has a non-DV conviction.

### **2. Strangulation**

- Create crime of strangulation of family or household member punishable by up to 5 years SP; heightened penalty of up to 10 years for strangulation causing serious bodily injury, when victim is pregnant, when victim has restraining order, or if convicted of a second and subsequent offense.

Opinion: An excellent Act that covers the charging and sentencing gap between A&B and Attempted Murder. Strangulation is one of the strongest factors on DV lethality scale and should get widespread support from DV advocacy groups.

### **3. DNA Database Expansion (\*\*New language)**

- Expands DNA collection by requiring persons arrested on a felony offense to provide a DNA sample after arraignment; if the case does not result in conviction, DNA profile would be expunged.
- Requires all convicted defendants to submit sample forthwith; all felony arrestees to submit upon arrest.
- Removes requirement that defendant receive written notice of requirement prior to submitting DNA sample. (This language was inserted in last session's crime bill.)
- Makes failure to submit sample an arrestable offense, but does not increase penalty.

Opinion: The DNA being required " forthwith upon conviction" is essential. I agree with Dan that there needs to be a redraft to clearly place the burden of giving a DNA sample on the defendant. I support an increased penalty for refusal. The statute should allow for trained (licensed) probation officers to take DNA samples. Otherwise, forthwith upon conviction" has no teeth. A crime of refusal to submit appears to be the best vehicle for prosecution.

I am not in favor of requiring submission of DNA from felony arrestees. Pre-conviction DNA submission is a substantial infringement on privacy/constitutional rights. Asking for arrestee DNA is

a guarantee of dooming the necessary fix of the statute to obtain DNA "forthwith upon conviction" The "promise" of DNA expungement for those found not guilty will not likely overcome opposition to bill from the House, MBA, BBA or ACLU. In light of Hinton Drug lab debacle, Asking the legislature to trust that DNA samples and profiles will be properly destroyed is unrealistic.

## Proposed DV Reform- Bar Accord & Satisfaction Agreements in DV Cases

We should amend the Accord & Satisfaction statute. One of the greatest barriers to prosecuting domestic violence cases are Accord & Satisfaction agreements. An Act barring the judicial approval of such agreements in DV assault and battery cases, without the assent of the prosecution, would enhance our ability to effectively prosecute thousands of DV cases each year. I hope Tara is able to locate a previously filed bill on this A&S reform so DAs can review and discuss

### 4. Authority to Wiretap

- This language is not included in the draft yet; please see my email dated January 10<sup>th</sup> for your review of varying versions. Opinion: The bill approved by MDAA, and passed by the Senate last year, was good. A last minute Senate change in language needs to be reversed. The AGs bill is overly ambitious and unlikely to pass.

## An Act relative to murder and firearms

### 1. Solicitation to Murder

- Create crime of soliciting or enticing another to commit murder; punishable by up to 20 years state prison or 2 ½ years HOC.

Opinion: I'm in favor. Long overdue. Should be a high DA priority.

### 2. Assault/Assault & Battery by Firearm

- Create crime of A&B by discharging firearm punishable by not more than 15 years state prison or 2 ½ years in HOC; 2nd and subsequent offenses punishable by 10 year minimum mandatory sentence.

Opinion: Tough but necessary enhancement to address firearm violations, particularly where a dangerous shooter is a bad shot.

- Create crime of assault "by intentionally brandishing" a firearm punishable by not more than 10 years

state prison or 2 ½ years in HOC; 2nd and subsequent offenses punishable by 2 years minimum mandatory sentence.

Opinion: Not sure if the term "intentionally brandishing" would stand up to constitutional scrutiny. Either the act of showing a weapon is an assault or it isn't. Act might be void for vagueness.

**3. Juvenile Life Without Parole (\*\* New - Language offered by DA Leone is attached in separate document for your review; I will incorporate it into the bill upon your approval.)**

- Address Miller v. Alabama issue by providing a potential parole eligibility date at 35 years for juveniles convicted of murder.

Opinion: There has been no solid empirical research presented to MDDA on merits of confining a juvenile for 35 years before becoming parole eligible. I'd suggest the DAs come to a rational number of years. Without real data, 25 years until parole eligibility would not violate principles of punishment, rehabilitation, and redemption. Unlikely parole would be granted to a juvenile offender the first time out. A 5 year subsequent review period would place review at 30, 35, 40 years etc.

- Maintains option of juvenile life without parole.

**4. Murder Committed by Youthful Offenders (Language to be provided by DA O'Keefe)**

- Provides that a juvenile under the age of 14 may be prosecuted as a youthful offender for murder after a transfer hearing.

Opinion: Option B, that includes a transfer hearing, is the better alternative. Competency and Criminal Responsibility are real issues. Brain development and impulse control are factors weighing against charging juveniles 13 and below. Setting no floor to age will create strong opposition. Act may want to include only those juveniles 12 and 13. Basically, changing the juvenile justice system to prosecute as an adult the rare 11, 12, or 13 year old murderer is one that needs some serious thought and research as to its long-term benefits. The Legislature is expected to take up an amendment to raise the age for juvenile offenders to 17 years. This Act swims against this tide.

Linsky Gun Control legislation. I'm in favor of banning assault (military style) weapons and ammunition. I'll give further comments at meeting. However, the 25% tax provision is punitive and unfair to gun owners.

**Please be advised that the bill filing deadline is THIS FRIDAY at 5 PM.** Once you have approved your legislative package, we still need to line up sponsors. Last year, finding sponsors was not easy. Our goal would be to file each bill with a primary sponsor and as many co-sponsors as possible. If you know of any legislators that

might be willing to file and advocate for the bill, the most effective approach is for a District Attorney to call the legislator directly. If he/she agrees, I am happy to follow up with staff and get them language and summaries for the bills.

If you have any questions, please don't hesitate to call or email me. The legislative package is on Wednesday's agenda, but we will only have 2 days to find sponsors and get the bills filed. If you have a suggested sponsor, please reply to all. Some legislators may agree to file a bill prior to language being finalized, and I can follow up with them after Wednesday's meeting.

Thank you,

Tara

**Archived:** Tuesday, March 12, 2019 11:07:36 AM

**From:** Pelgro, Michael (NOR)

**Sent:** Sat, 12 Jan 2013 11:32:54

**To:** Stevens, Bethany (NOR)

**Cc:** Leone, Gerard (NOR); Lynch, Adrienne (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Solet, David (NOR)

**Subject:** RE: caselaw updates

**Sensitivity:** Normal

[REDACTED]

michael.pelgro@state.ma.us

[REDACTED] (office)  
[REDACTED] (fax)  
[REDACTED] (mobile)

-----Original Message-----

From: Stevens, Bethany (NOR)

Sent: Saturday, January 12, 2013 10:09 AM

To: Pelgro, Michael (NOR)

Cc: Leone, Gerard (NOR); Lynch, Adrienne (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Solet, David (NOR)

Subject: RE: caselaw updates

[REDACTED]

[REDACTED]

Bethany

---

From: Pelgro, Michael (NOR)  
Sent: Saturday, January 12, 2013 9:17 AM  
To: Stevens, Bethany (NOR)  
Cc: Leone, Gerard (NOR); Lynch, Adrienne (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Solet, David (NOR)  
Subject: RE: caselaw updates

Hi Bethany,

What came out of the conference call was the following:

[REDACTED]

[REDACTED]

[REDACTED]

Legal issues caused by the JP Drug Lab -- Gaziano raised a decision by Judge McGuire (?) refusing to give a new trial in a Dookhan case b/c D pleaded guilty; I raised the [REDACTED] case.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I've copied Gerry and other knowledgeable people who can lend insight on these topics.

Thank you!

---

From: Stevens, Bethany (NOR)

Sent: Friday, January 11, 2013 6:12 PM  
To: Pelgro, Michael (NOR)  
Subject: FW: caselaw updates

[REDACTED]

Bethany Stevens, Deputy Chief  
Middlesex Appeals & Training Bureau  
ph: [REDACTED] fax: [REDACTED]

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From: Stevens, Bethany (NOR)  
Sent: Wednesday, January 09, 2013 12:54 PM  
To: Pelgro, Michael (NOR)  
Subject: FW: caselaw updates

[REDACTED]

Bethany Stevens, Deputy Chief  
Middlesex Appeals & Training Bureau  
ph: [REDACTED] fax: [REDACTED]

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recipients is not authorized and may be unlawful.

From: Johnsen, Melissa (NOR)  
Sent: Wednesday, January 09, 2013 12:09 PM  
To: Stevens, Bethany (NOR)  
Subject: RE: caselaw updates

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Stevens, Bethany (NOR)  
Sent: Wednesday, January 09, 2013 11:50 AM  
To: Johnsen, Melissa (NOR)  
Subject: FW: caselaw updates

[REDACTED]

Bethany Stevens, Deputy Chief  
Middlesex Appeals & Training Bureau  
ph: [REDACTED] fax: [REDACTED]

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From: Johnsen, Melissa (NOR)  
Sent: Wednesday, January 09, 2013 10:00 AM  
To: Stevens, Bethany (NOR)  
Subject: RE: caselaw updates



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Melissa

From: Stevens, Bethany (NOR)  
Sent: Tuesday, January 08, 2013 6:04 PM  
To: Johnsen, Melissa (NOR)  
Subject: caselaw updates

[REDACTED]

[REDACTED]

Bethany Stevens, Deputy Chief  
Appeals & Training Bureau  
Middlesex District Attorney's Office  
15 Commonwealth Avenue, Woburn, MA 01801  
ph: [REDACTED] fax: [REDACTED]

email: Bethany.Stevens@state.ma.us<blocked::mailto:Bethany.Stevens@state.ma.us>

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**Archived:** Tuesday, March 12, 2019 11:07:44 AM

**From:** Leone, Gerard (NOR)

**To:** Leone, Gerard (NOR)

**Subject:** Homicides: BG article-Jan 4, 2013

**Sensitivity:** Normal

**Attachments:**

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**From:** Lynch, Adrienne (NOR)

**Sent:** Friday, January 04, 2013 01:44 PM

**To:** Leone, Gerard (NOR); Sullivan, Tom (NOR)

**Subject:** RE: Homicides: BG article-Jan 4, 2013

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**From:** Leone, Gerard (NOR)

**Sent:** Friday, January 04, 2013 12:54 PM

**To:** Sullivan, Tom (NOR); Lynch, Adrienne (NOR)

**Subject:** Homicides: BG article-Jan 4, 2013

Fyi

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**From:** Long, MaryBeth (NOR)  
**Sent:** Friday, January 04, 2013 12:23 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** BG/metrowest article-Jan 4, 2013

Focus on high-crime areas cited in homicide fall in Mass.

By Brian Ballou, The Boston Globe, January 4, 2013

<http://www.bostonglobe.com/metro/2013/01/04/homicides-statewide-plummet-percent-according-state-police-statistics/4mNmBrTI6xupAcaWwB5eMO/story.html>

- The number of homicides statewide plummeted 39 percent last year over 2011, according to figures provided by State Police, who attributed the dramatic decline in part to a more vigorous focus on violence-plagued areas.
- “We’re targeting the impact players and going into the areas we know where the violent crime occurs,” said Lieutenant Colonel Francis Matthews, commander of the Division of Investigative Services.
- State Police have deployed Community Action Teams in cities and towns such as Lawrence, Lynn, Holyoke, Chicopee, Brockton, New Bedford, and Fall River. The teams are composed of about a dozen troopers who conduct “crime suppression” in areas of those communities plagued by violence, often working overnight, Matthews said.
- “When you’re able to take dozens of impact players off the streets, it makes a huge difference,” Matthews said. “With gangs, whenever you have an organized network working toward a common cause, there’s a lot of collateral damage, retaliation, so to be able to diminish that, it’s key.”
- State Police investigate every homicide in Massachusetts in conjunction with local police, except in the Commonwealth’s three largest cities: Boston, Worcester, and Springfield. Excluding those three cities, there were 64 homicides statewide last year, compared to 105 in 2011. Of those 64, 19 were domestic killings.
- Homicide rates have dropped in most of the state’s heavily populated cities.
- Boston had 58 homicides for the year, compared with 62 in 2011 and 74 in 2010, marking a third straight year with a decrease.
- Springfield had 12 homicides last year, its lowest toll in a decade, and Brockton had six, the lowest since 2004. Worcester had nine homicides last year, one less than in 2010, according to authorities.
- Holyoke had no homicides last year, a milestone that has not been achieved there in at least 25 years. The city of about 40,000 residents located 8 miles north of Springfield in Hampden County had averaged about four homicides a year since 1987.
- “We don’t typically have high numbers, but one is too many,” said Police Chief James M. Neiswanger.
- “The decline is a national trend, and Holyoke is fortunate to be one of those places where homicides have gone down,” he said. “Some of it is good police work. Some of it is the result of partnerships and bonds with the community and with the nonprofits, places like the Boys and Girls club.
- “We want to keep our numbers as low as we can get them,” Neiswanger said.
- Among counties, Essex experienced the largest drop, with 9 homicides last year, compared to 21 in 2011. In Plymouth County, homicides fell from 16 in 2011 to 9 last year, the lowest tally in at least seven years. District Attorney Timothy J. Cruz said collaboration among local, state, and federal law enforcement officials drove the number down.
- “The vast majority of these crimes are usually done by a small group of people. Understanding that drugs go hand in hand with guns and violence, removing those components from the street is important.”
- Law enforcement officials, including Cruz, have expressed concern that the Annie Dookhan drug lab scandal may undo the drop in violent crime as hundreds of people convicted of drug offenses stand to be freed. Dookhan is at the center of one of the largest law enforcement scandals in recent Massachusetts history and her alleged misdeeds may have an impact on tens of thousands of drug convictions and cost taxpayers millions of dollars. Prosecutors allege she deliberately mishandled evidence she was supposed to analyze to determine whether it was a drug.
- “Even though their drug offenses may go away because of Dookhan, lots of these individuals are incarcerated for assaults,

and those convictions remain,” Cruz said. Law enforcement officials also point to improvements in trauma care that help critically wounded gunshot and stabbing victims survive, helping to drive down the number of homicides. There were 27 shootings or stabbings that “could have gone either way,” Matthews said, with the victims surviving.

- James Alan Fox, a professor of criminology at Northeastern University, said that while the drop in homicides follows a national trend, it is important to look at the long-term pattern and the corrections that usually follow years with dips or surges.
- “This is more of a correction than attributable to any one factor,” Fox said.
- In the ‘80s, the rate of violent crime dipped, but was followed by a spike in the early ‘90s with crack cocaine fueling much of the violence. The rate dipped in the late ‘90s, then went up from 2000 to 2010. “The spike at the end of the decade is more of an aberration than anything else, and now we are going back to where it used to be at the end of the previous decade,” Fox said.

**Archived:** Tuesday, March 12, 2019 11:08:01 AM

**From:** Meier, David

**Sent:** Wed, 16 Jan 2013 17:19:47

**To:** Leone, Gerard (NOR)

**Subject:** RE: Gerry Leone follow up

**Sensitivity:** Normal

---

Will do. Thanks.

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]

**Sent:** Wednesday, January 16, 2013 5:07 PM

**To:** Meier, David

**Subject:** RE: Gerry Leone follow up

great David, I had not heard this, but in a meeting with the IG the other day, I alluded to it and he thought Cronin's group was getting some business. Tell him I said hello.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Meier, David [mailto:dmeier@toddweld.com]

**Sent:** Wednesday, January 16, 2013 5:02 PM

**To:** Leone, Gerard (NOR)

**Subject:** RE: Gerry Leone follow up

FYI as you may know, Pete's group was awarded the contract for the document management piece of the DPH lab investigation. We are meeting with them tomorrow. Thanks again for making the intro.

Hope all is well.

David

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]

**Sent:** Tuesday, December 11, 2012 10:56 AM

**To:** Meier, David

**Subject:** RE: Gerry Leone follow up

sure David. Good luck



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Meier, David [<mailto:dmeier@toddweld.com>]  
**Sent:** Tuesday, December 11, 2012 9:48 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Fw: Gerry Leone follow up

FYI. I will follow up with Pete. Thanks for making the connection. David

---

**From:** Pete Cronan [<mailto:pete.cronan@merrillcorp.com>]  
**Sent:** Tuesday, December 11, 2012 09:44 AM  
**To:** Meier, David; [jason.interrante@merrillcorp.com](mailto:jason.interrante@merrillcorp.com) <[jason.interrante@merrillcorp.com](mailto:jason.interrante@merrillcorp.com)>; [michael.boris@merrillcorp.com](mailto:michael.boris@merrillcorp.com) <[michael.boris@merrillcorp.com](mailto:michael.boris@merrillcorp.com)>  
**Subject:** Gerry Leone follow up

David,

Gerry and I spoke last night and he indicated that he would be glad to make an introduction. He and I go way back to his high school days. I can honestly say I knew him when. All good.

With respect to your schedule please provide me with a good time to reach you by phone. From Merrill's perspective exciting things are happening with the AG's office around e-Discovery and overall case management. My colleagues Mike Boris and Jason Interrante met with David Myers from your team and Omar Gonzalez'Pagen from the IG/AG's office last Friday.

From that meeting we learned about some of the complexities related to the Hinton Lab matter and it seemed appropriate that I reach out to you in order to start the dialog especially around educating you to our capabilities. In simple terms we, with your help take a holistic look at a case, understand the nuances and challenges related to evidence management, develop a work flow and implement. Our objective is to serve as a true partner by adding value through our expertise.

If I don't hear from you I'll give you a call on your cell later this p.m.

Thanks

-Pete

Pete Cronan  
Regional Vice President  
Merrill Corp.  
[REDACTED]

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**Archived:** Tuesday, March 12, 2019 11:08:09 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** Fw: JP Lab: New Potentially Problematic Lab Issue  
**Sensitivity:** Normal

---

My email message was meant as a prelude to Tuesday conversation.  
Get Jodi on message.

----- Original Message -----

From: Walker, Jodi (NOR)  
Sent: Sunday, January 20, 2013 09:40 AM  
To: Leone, Gerard (NOR)  
Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Long, MaryBeth (NOR); Leone, Gerard (NOR)  
Subject: Re: JP Lab: New Potentially Problematic Lab Issue

Thanks, Gerry. Wow.  
Pam/SWE - I am happy to work with Marian and you both to make a recommendation.

Sent from my iPhone

On Jan 20, 2013, at 9:29 AM, "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us> wrote:

> Per our evolved JP Lab mgmt model, Pam and Sarah please deal with this as necessary at D. and S. Ct.  
> FYI for all.  
> Please inform whoever needs to know on our teams.  
>  
> ----- Original Message -----  
> From: Maguire, Tara (DAA)  
> Sent: Sunday, January 20, 2013 09:18 AM  
> To: DAA-DL-DA&EXEC.ASST  
> Subject: New Lab Issue!  
>  
> To the DAs,  
>  
> Ed Bedrosian just called me. Sonia Farak, a chemist from the Amherst lab, was arrested last night for tampering with evidence and possession of class A and B. She will be arraigned Tuesday.  
>  
> She was hired in 2002 on the JP lab and transferred to Amherst. While the Amherst Lab handled cases from the western part of the state, she was also involved in handling overflow cases from the Hinton Lab.  
>  
> Ed will circulate the AG's press release to you shortly. They will release it to the press later this morning.  
>  
> Thanks,  
> Tara



**Archived:** Tuesday, March 12, 2019 11:08:24 AM  
**From:** OKeefe, Michael (CPI)  
**Sent:** Sun, 20 Jan 2013 11:18:23  
**To:** Sullivan, David (NWD)  
**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Amherst Drug Lab Breach  
**Sensitivity:** Normal

---

Tara you probably already have but make sure John Towle and Jake Wark have DA Sullivan's email. Thanks

Sent from my iPhone

On Jan 20, 2013, at 10:54 AM, "Sullivan, David (NWD)" <David.E.Sullivan2@MassMail.State.MA.US> wrote:

> Hi Tara: Our office has been involved with the breach at the lab since Friday morning. Sonja Farak is the chemist who, by initial investigation, has been using crack, coke, and possibly heroin from the lab. She was replacing tested illegal substances with her own fake substances. AGs Office was asked to take over criminal investigation on Friday. A search of her MV discovered some quantities of cocaine and heroin. Farak has not cooperated with investigators about how long, and to what extent, her use and tampering with drug evidence. Her productivity started to slip starting in August, 2012.

> Hopefully, through her attorney and MOSES union representation, the AG can gain a full proffer about her lab tampering. Ed Bedrosian will keep us posted.

>

> Dave

>

> Sent from my iPhone

>

> On Jan 20, 2013, at 9:18 AM, "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US> wrote:

>

>> To the DAs,

>>

>> Ed Bedrosian just called me. Sonia Farak, a chemist from the Amherst lab, was arrested last night for tampering with evidence and possession of class A and B. She will be arraigned Tuesday.

>>

>> She was hired in 2002 on the JP lab and transferred to Amherst. While the Amherst Lab handled cases from the western part of the state, she was also involved in handling overflow cases from the Hinton Lab.

>>

>> Ed will circulate the AG's press release to you shortly. They will release it to the press later this morning.

>>

>> Thanks,

>> Tara

**Archived:** Tuesday, March 12, 2019 11:08:25 AM

**From:** Blodgett, Jonathan (EAS)

**Sent:** Sun, 20 Jan 2013 16:36:34

**To:** Maguire, Tara (DAA)

**Cc:** DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)

**Subject:** Re: Please Review - Draft DA Press Statement

**Sensitivity:** Normal

---

Okay.

Sent from my iPhone

On Jan 20, 2013, at 16:31, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

To the DAs,

DA O'Keefe asked that you review the below DA press statement regarding the Amherst Lab. The language has already been vetted by the AG's office. Please let me know of any concerns or objections by 6:30 PM tonight, so that we can distribute this to the press.

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Thank you,

Tara

Please let me know if you approve:

As a result of information received late last week, State Police detectives assigned to Northwestern District Attorney David Sullivan's office initiated an investigation into the actions of a chemist employed at a state drug testing facility in Amherst. District Attorney Sullivan's office then turned the investigation over to the Attorney General's Office which conducted a further investigation leading to the arrest of the chemist.

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District attorneys working through the fallout of the Dookhan matter have made impressive strides in taking appropriate action on potentially compromised cases. Those strides come at a cost, however, as experienced prosecutors have been taken out of rotation to serve on DPH case task forces, causing overwhelming caseload ripple effects throughout the District Attorney's offices. The District Attorneys continue to urge the governor and legislature to take swift and appropriate action to put the necessary resources in place to ensure the proper functioning of the state's criminal justice system.

**Archived:** Tuesday, March 12, 2019 11:08:28 AM

**From:** Conley, Daniel (SUF)

**Sent:** Sun, 20 Jan 2013 16:37:03

**To:** Maguire, Tara (DAA)

**Cc:** DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)

**Subject:** Re: Please Review - Draft DA Press Statement

**Sensitivity:** Normal

---

All set.

On Jan 20, 2013, at 4:31 PM, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

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**Archived:** Tuesday, March 12, 2019 11:08:31 AM

**From:** Morrissey, Michael (NFK)

**Sent:** Sun, 20 Jan 2013 16:34:52

**To:** Maguire, Tara (DAA)

**Cc:** DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)

**Subject:** Re: Please Review - Draft DA Press Statement

**Sensitivity:** Normal

---

I'm all set and agree with the statement

Sent from my iPhone

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**Archived:** Tuesday, March 12, 2019 11:08:44 AM

**From:** Early, Joseph (MID)

**Sent:** Sun, 20 Jan 2013 16:41:01

**To:** Blodgett, Jonathan (EAS)

**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)

**Subject:** Re: Please Review - Draft DA Press Statement

**Sensitivity:** Normal

---

I am good with it as well

Sent from my iPhone

On Jan 20, 2013, at 4:36 PM, "Blodgett, Jonathan (EAS)" <[Jonathan.Blodgett@MassMail.State.MA.US](mailto:Jonathan.Blodgett@MassMail.State.MA.US)> wrote:

Okay.

Sent from my iPhone

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Tara

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**Archived:** Tuesday, March 12, 2019 11:08:50 AM

**From:** Leone, Gerard (NOR)

**To:** Early, Joseph (MID)

**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)

**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement

**Sensitivity:** Normal

---

Agreed Joe!

---

**From:** Early, Joseph (MID)

**Sent:** Sunday, January 20, 2013 04:51 PM

**To:** Leone, Gerard (NOR)

**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)

**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement

Gerry, I agree, and possibly mention that 9c Cuts right now would be poorly timed and ill advised as we try to battle this problem.

Sent from my iPhone

On Jan 20, 2013, at 4:44 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

When we make reference at the beginning to a "second allegation ..." We should be clear that we are referring to Dookhan as the first.

Also, I think we should take advantage of this to make a clear and strong statement about the continued absolutely unacceptable state of affairs around our yet to receive funding and resources for the Dookhan fiasco. This continues to be a daily drain on some of us, and as we get closer to the 3rd quarter in FY 2013, this looms as a large problem for us fiscally.

---

**From:** Maguire, Tara (DAA)

**Sent:** Sunday, January 20, 2013 04:31 PM

**To:** DAA-DL-DA&EXEC.ASST

**Cc:** Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)

**Subject:** Please Review - Draft DA Press Statement

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**Archived:** Tuesday, March 12, 2019 11:09:47 AM  
**From:** Leone, Gerard (NOR)  
**To:** Towle, John (SUF)  
**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement  
**Sensitivity:** Normal

---

LOL.  
It takes something.  
I am feeling PTSD.

---

**From:** Towle, John (SUF)  
**Sent:** Sunday, January 20, 2013 05:51 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement

I get through stuff like this with booze.

Sent from my iPhone

On Jan 20, 2013, at 5:49 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Well said John. A pattern of conduct too. Teflon. I won't miss this BS.

---

**From:** Towle, John (SUF)  
**Sent:** Sunday, January 20, 2013 05:42 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement

I know the legislature signs the checks but the Gov has spent all his time trying to avoid responsibility and manage the PR instead of deal with the problem. His supp budget gives the DAs no certainty, fails to direct resources where the priorities would dictate and instead leaves agencies to compete with one another. Shameful.

Sent from my iPhone

On Jan 20, 2013, at 5:35 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Absolutely. I'm sick of this. No respect. And I'll be very public soon if this doesn't get acted upon - and the Leg, not Gov, signs the checks.

---

**From:** Towle, John (SUF)  
**Sent:** Sunday, January 20, 2013 05:25 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement

I was out of my mind when I saw what the Gov did on the supplemental. Just another kick in the groin.

Sent from my iPhone

On Jan 20, 2013, at 5:23 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Thx JT.

I know I sound like a broken record on the funding issue, but for us, you guys and Essex and Norfolk, we better keep screaming about it and go public in the 3rd Q or we'll be looking at a 4th Q \$funding deficit.

---

**From:** Towle, John (SUF)  
**Sent:** Sunday, January 20, 2013 05:21 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement

Hi Gerry, I'm in my car but just walked through a rewrite with Jake. He'll have it to you in a few minutes.

Sent from my iPhone

On Jan 20, 2013, at 4:56 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Thx Mike.

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Sunday, January 20, 2013 04:53 PM  
**To:** Early, Joseph (MID)  
**Cc:** Leone, Gerard (NOR); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
**Subject:** Re: Lab Issues II : Please Review - Draft DA Press Statement

I have asked that the word second be stricken. It's too confusing!

Sent from my iPhone

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**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
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**Archived:** Tuesday, March 12, 2019 11:10:18 AM  
**From:** Ryan, Marian (NOR)  
**Sent:** Sun, 20 Jan 2013 18:44:24  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab II: Re-Draft DA Press Statement  
**Sensitivity:** Normal

---

Thanks-

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, January 20, 2013 05:54 PM  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Pelgro, Michael (NOR); Ryan, Marian (NOR); 'jodi.walker@state.ma.us' <jodi.walker@state.ma.us>; Leone, Gerard (NOR)  
**Subject:** JP Lab II: Re-Draft DA Press Statement

Fyi

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, January 20, 2013 05:51 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Re-Draft DA Press Statement

Thank you. Nicely done.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Sunday, January 20, 2013 05:42 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re-Draft DA Press Statement

Take Two: Below please find edits suggested by DA Leone; again, thank you John, Jake, and Steve Gagne!

As a result of information received last Friday, State Police detectives assigned to Northwestern District Attorney's office responded to the state drug testing facility in Amherst to investigate allegations involving a chemist employed there. Friday evening, the District Attorney's Office turned the investigation over to the Attorney General's Office, which subsequently conducted a further investigation that has resulted in the chemist's arrest. The evidence suggests that this chemist, Sonja Farak, stole illicit drugs that had already been tested. The continuing investigation and prosecution of this matter will be undertaken by Attorney General Martha Coakley's office. Farak had been employed as a chemist with the Department of Public Health until responsibility for testing of drug evidence was transferred to State Police this past summer.

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Not only have the Governor and Legislature not acted to give the DAs relief with these extraordinary efforts, but prosecutors statewide are now presented with the possibility of unrealistic, unfair, and unacceptable mid-year budget cuts. The District Attorneys continue to urge the governor and legislature to take swift and appropriate action to put the necessary resources in place to ensure the proper functioning of the state's criminal justice system.

---

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**Cc:** Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
**Subject:** Please Review - Draft DA Press Statement

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**Archived:** Tuesday, March 12, 2019 11:10:22 AM  
**From:** Walker, Jodi (NOR)  
**Sent:** Sun, 20 Jan 2013 18:26:15  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab II: Re-Draft DA Press Statement  
**Sensitivity:** Normal

---

Looks great - well done, DA Leone. Good message.

One minor typo. Lab closed 8/30/2012 - next to last paragraph mentions 6 months, it's more like 4 1/2.

Sent from my iPhone

On Jan 20, 2013, at 5:54 PM, "Leone, Gerard (DAA)" <[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)> wrote:

Fyi

---

**From:** Leone, Gerard (NOR)  
**Sent:** Sunday, January 20, 2013 05:51 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Re-Draft DA Press Statement

Thank you. Nicely done.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Sunday, January 20, 2013 05:42 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re-Draft DA Press Statement

Take Two: Below please find edits suggested by DA Leone; again, thank you John, Jake, and Steve Gagne!

As a result of information received last Friday, State Police detectives assigned to Northwestern District Attorney's office responded to the state drug testing facility in Amherst to investigate allegations involving a chemist employed there. Friday evening, the District Attorney's Office turned the investigation over to the Attorney General's Office, which subsequently conducted a further investigation that has resulted in the chemist's arrest. The evidence suggests that this chemist, Sonja Farak, stole illicit drugs that had already been tested. The continuing investigation and prosecution of this matter will be undertaken by Attorney General Martha Coakley's office. Farak had been employed as a chemist with the Department of Public Health until responsibility for testing of drug evidence was transferred to State Police this past summer.

While at this point evidence indicates that the chemist stole already tested illegal drugs, the state's District Attorneys will nonetheless undertake internal case reviews to determine which, if any, of their prosecutions involved Farak as a chemist, to assess the impact of her actions on any cases. As with cases affected by the arrest and indictment of former Department of Public Health chemist Annie Dookhan, the state's district attorneys will also work with other affected agencies to share information on Farak's cases. Finally, while it is too early to say what effect this incident will have on cases in which Farak was involved, the state's District Attorneys remain committed to ensuring that the rights of all defendants are properly respected and the public safety preserved, and therefore will remain proactive in identifying cases, notifying defense counsel and bringing them before the court.

District Attorneys working through the fallout of the Dookhan matter have made impressive strides in taking appropriate action on potentially compromised cases. Those strides come at a cost, however, as experienced prosecutors have been

taken out of rotation to serve on DPH case task forces, causing overwhelming caseload ripple effects throughout the District Attorney's offices. A full six months after Dookhan's actions were exposed, the state's District Attorneys continue to operate only from existing resources, leaving hundreds and hundreds of cases in turmoil and creating fiscal chaos for the District Attorneys.

Not only have the Governor and Legislature not acted to give the DAs relief with these extraordinary efforts, but prosecutors statewide are now presented with the possibility of unrealistic, unfair, and unacceptable mid-year budget cuts. The District Attorneys continue to urge the governor and legislature to take swift and appropriate action to put the necessary resources in place to ensure the proper functioning of the state's criminal justice system.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Sunday, January 20, 2013 4:31 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
**Subject:** Please Review - Draft DA Press Statement

To the DAs,

DA O'Keefe asked that you review the below DA press statement regarding the Amherst Lab. The language has already been vetted by the AG's office. **Please let me know of any concerns or objections by 6:30 PM tonight**, so that we can distribute this to the press.

Many thanks to John Towle and Jake Wark in Suffolk for their expertise in drafting this!

Thank you,

Tara

Please let me know if you approve:

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ensure the proper functioning of the state's criminal justice system.

**Archived:** Tuesday, March 12, 2019 11:10:29 AM  
**From:** Mastroianni, Mark (WES)  
**Sent:** Sun, 20 Jan 2013 18:45:32  
**To:** Capeless, David (BER)  
**Cc:** Early, Joseph (MID); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Re-Draft DA Press Statement  
**Sensitivity:** Normal

---

This is fine

Sent from my iPhone

On Jan 20, 2013, at 6:18 PM, "Capeless, David (BER)" <[David.F.Capeless@MassMail.State.MA.US](mailto:David.F.Capeless@MassMail.State.MA.US)> wrote:

Fine- thank you

On Jan 20, 2013, at 6:15 PM, "Early, Joseph (MID)" <[Joseph.Early@MassMail.State.MA.US](mailto:Joseph.Early@MassMail.State.MA.US)> wrote:

Good

Sent from my iPhone

On Jan 20, 2013, at 5:42 PM, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

Take Two: Below please find edits suggested by DA Leone; again, thank you John, Jake, and Steve Gagne!

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**Sent:** Sunday, January 20, 2013 4:31 PM  
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**Cc:** Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
**Subject:** Please Review - Draft DA Press Statement

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Many thanks to John Towle and Jake Wark in Suffolk for their expertise in drafting this!  
Thank you,  
Tara

Please let me know if you approve:

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**Archived:** Tuesday, March 12, 2019 11:10:42 AM  
**From:** Morrissey, Michael (NFK)  
**Sent:** Mon, 21 Jan 2013 17:00:40  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Please Review - Draft DA Press Statement  
**Sensitivity:** Normal

---

Everyone is afraid of the lab situation and we should capitalize on it and ask for money which is why we should stay close to them in this chaos.

Sent from my iPhone

On Jan 21, 2013, at 9:04 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Ideas?

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Sunday, January 20, 2013 7:59 PM  
**To:** Early, Joseph (MID)  
**Cc:** Blodgett, Jonathan (EAS); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
**Subject:** Re: Please Review - Draft DA Press Statement

Maybe we should take on another initiative this week just over the money issue

Sent from my iPhone

On Jan 20, 2013, at 4:41 PM, "Early, Joseph (MID)" <[Joseph.Early@MassMail.State.MA.US](mailto:Joseph.Early@MassMail.State.MA.US)> wrote:

I am good with it as well

Sent from my iPhone

On Jan 20, 2013, at 4:36 PM, "Blodgett, Jonathan (EAS)" <[Jonathan.Blodgett@MassMail.State.MA.US](mailto:Jonathan.Blodgett@MassMail.State.MA.US)> wrote:

Okay.

Sent from my iPhone

On Jan 20, 2013, at 16:31, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

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**Archived:** Tuesday, March 12, 2019 11:10:52 AM  
**From:** Leone, Gerard (NOR)  
**To:** Morrissey, Michael (NFK)  
**Subject:** Re: Please Review - Draft DA Press Statement  
**Sensitivity:** Normal

---

Agreed

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Monday, January 21, 2013 05:03 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Please Review - Draft DA Press Statement

We should gin up the arguments of the over worked and understaffed lab to the chaos and the problems that has presented to the district attorney's And the financial burdens that has created which may lead to cases being dismissed.

Sent from my iPhone

On Jan 21, 2013, at 9:04 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

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---

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**To:** Early, Joseph (MID)  
**Cc:** Blodgett, Jonathan (EAS); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
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**Archived:** Tuesday, March 12, 2019 11:10:55 AM  
**From:** Morrissey, Michael (NFK)  
**Sent:** Sun, 20 Jan 2013 20:09:38  
**To:** Capeless, David (BER)  
**Cc:** Early, Joseph (MID); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Re-Draft DA Press Statement  
**Sensitivity:** Normal

---

Looks great to me and thank everybody for their work

Sent from my iPhone

On Jan 20, 2013, at 6:18 PM, "Capeless, David (BER)" <[David.F.Capeless@MassMail.State.MA.US](mailto:David.F.Capeless@MassMail.State.MA.US)> wrote:

Fine- thank you

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Good

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**Sent:** Sunday, January 20, 2013 4:31 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
**Subject:** Please Review - Draft DA Press Statement

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Thank you,  
Tara

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**Archived:** Tuesday, March 12, 2019 11:10:59 AM  
**From:** Ellis, Sarah (NOR)  
**Sent:** Tue, 22 Jan 2013 07:53:15  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: JP Lab: New Potentially Problematic Lab Issue  
**Sensitivity:** Normal

---

Ok, thanks.

----- Original Message -----  
From: Leone, Gerard (NOR)  
Sent: Sunday, January 20, 2013 09:46 AM  
To: Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
Subject: Fw: JP Lab: New Potentially Problematic Lab Issue

My email message was meant as a prelude to Tuesday conversation.  
Get Jodi on message.

----- Original Message -----  
From: Walker, Jodi (NOR)  
Sent: Sunday, January 20, 2013 09:40 AM  
To: Leone, Gerard (NOR)  
Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR); Pelgro, Michael (NOR); Long, MaryBeth (NOR); Leone, Gerard (NOR)  
Subject: Re: JP Lab: New Potentially Problematic Lab Issue

Thanks, Gerry. Wow.  
Pam/SWE - I am happy to work with Marian and you both to make a recommendation.

Sent from my iPhone

On Jan 20, 2013, at 9:29 AM, "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us> wrote:

> Per our evolved JP Lab mgmt model, Pam and Sarah please deal with this as necessary at D. and S. Ct.  
> FYI for all.  
> Please inform whoever needs to know on our teams.  
>  
> ----- Original Message -----  
> From: Maguire, Tara (DAA)  
> Sent: Sunday, January 20, 2013 09:18 AM  
> To: DAA-DL-DA&EXEC.ASST  
> Subject: New Lab Issue!  
>  
> To the DAs,  
>  
> Ed Bedrosian just called me. Sonia Farak, a chemist from the Amherst lab, was arrested last night for tampering with evidence and possession of class A and B. She will be arraigned Tuesday.  
>  
> She was hired in 2002 on the JP lab and transferred to Amherst. While the Amherst Lab handled cases from the western part of the state, she was also involved in handling overflow cases from the Hinton Lab.  
>  
> Ed will circulate the AG's press release to you shortly. They will release it to the press later this morning.  
>

> Thanks,  
> Tara

**Archived:** Tuesday, March 12, 2019 11:11:01 AM  
**From:** Morrissey, Michael (NFK)  
**Sent:** Mon, 21 Jan 2013 18:11:22  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Please Review - Draft DA Press Statement  
**Sensitivity:** Normal

---

You have to use whatever comes alive to your advantage. Sometimes life sends you lemons and we should make lemonade!!!!!!

Sent from my iPhone

On Jan 21, 2013, at 6:04 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Ok, but it shouldn't have taken another incident. We should have the \$ by now.

---

**From:** Morrissey, Michael (NFK)  
**Sent:** Monday, January 21, 2013 04:58 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Please Review - Draft DA Press Statement

I believe the scandal in UMass lab will provide us a great opportunity to make the case for the need for money. They have handed us a golden opportunity to force them to provide us and the lab money and we should do some of the arguments for the lab and tagalong with them. The Inspector General also has Requested money

Sent from my iPhone

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**From:** Morrissey, Michael (NFK)  
**Sent:** Sunday, January 20, 2013 7:59 PM  
**To:** Early, Joseph (MID)  
**Cc:** Blodgett, Jonathan (EAS); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Gagne, Steven E. (NWD); Towle, John (SUF); Wark, Jake (SUF)  
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<[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

To the DAs,  
DA O'Keefe asked that you review the below DA press statement regarding the Amherst Lab. The language has already been vetted by the AG's office. **Please let me know of any concerns or objections by 6:30 PM tonight**, so that we can distribute this to the press.  
Many thanks to John Towle and Jake Wark in Suffolk for their expertise is drafting this!  
Thank you,  
Tara

**Please let me know if you approve:**

As a result of information received late last week, State Police detectives assigned to Northwestern District Attorney David Sullivan's office initiated an investigation into the actions of a chemist employed at a state drug testing facility in Amherst. District Attorney Sullivan's office then turned the investigation over to the Attorney General's Office which conducted a further investigation leading to the arrest of the chemist.

The state's district attorneys were then notified of a second allegation of criminal conduct by a civilian chemist with access to drug evidence. The evidence suggests that this chemist, Sonja Farak, stole illicit drugs that had already been tested. The continuing investigation and prosecution of this matter will be undertaken by Attorney General Martha Coakley's office. Farak had been employed as a chemist with the Department of Public Health until responsibility for testing of drug evidence was transferred to State Police this past summer. While at this point evidence indicates that the chemist stole already tested illegal drugs, the state's District Attorneys will nonetheless undertake internal case reviews to determine which, if any, of their prosecutions involved Farak as a chemist, to assess the impact of her actions on any cases. As with cases affected by the arrest and indictment of former Department of Public Health chemist Annie Dookhan, the state's district attorneys will also work with

other effected agencies to share information on Farak's cases. Finally, while it is too early to say what effect this incident will have on cases in which Farak was involved, the state's District Attorneys remain committed to ensuring that the rights of all defendants are properly respected and the public safety preserved, and therefore will remain proactive in identifying cases, notifying defense counsel and bringing them before the court.

District attorneys working through the fallout of the Dookhan matter have made impressive strides in taking appropriate action on potentially compromised cases. Those strides come at a cost, however, as experienced prosecutors have been taken out of rotation to serve on DPH case task forces, causing overwhelming caseload ripple effects throughout the District Attorney's offices. The District Attorneys continue to urge the governor and legislature to take swift and appropriate action to put the necessary resources in place to ensure the proper functioning of the state's criminal justice system.



**Archived:** Tuesday, March 12, 2019 11:34:20 AM

**From:** Wechsler, Pamela (NOR)

**Sent:** Thu, 24 Jan 2013 17:50:45

**To:** NOR-DL-ALL SUPERIOR COURT ADA's; NOR-DL-ALL DISTRICT COURT ADA's; NOR-DL-APPEALS ADA

**Cc:** Irwin, Chris (NOR); Cunningham, Ashley (NOR)

**Subject:** Sonja Farak

**Sensitivity:** Normal

---

On Tuesday, January 22, 2013, DPH chemist Sonja Farak was arraigned on two counts of Tampering with Evidence, one count of Possession of a Class A Substance, and one count of Possession of a Class B Substance. At the time of her arrest, Ms. Farak had been working at DPH's Amherst Lab. Ms. Farak had previously worked at DPH's William A. Hinton State Laboratory in Jamaica Plain. We are awaiting additional information from the Attorney General's Office regarding the scope of Ms. Farak's alleged wrongdoing and the years of her employment at each lab.

Please immediately check all of your pending drug cases and investigations (including the drug certifications and drug files within those cases and investigations), and if you have any pending cases or investigations involving Ms. Farak, please notify Chris Irwin by Friday, February 1, 2013. Please specify the docket number, charges, case status, defendant's situation, and the next date. If you recall a disposed criminal case where Ms. Farak was a potential Commonwealth witness, please also email Chris Irwin information concerning the defendant's name, charges, disposition date, and disposition.

Thanks very much for your help.



=====

Pamela Wechsler  
Deputy First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED]

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

**Archived:** Tuesday, March 12, 2019 11:34:24 AM  
**From:** Leone, Gerard (NOR)  
**To:** Paul Lucci (paul.lucci@jud.state.ma.us)  
**Subject:** FW: Office Staffing Announcements  
**Sensitivity:** Normal

---

Paul:  
FYI. Very proud of Christina!  
Gerry



Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Leone, Gerard (NOR)  
**Sent:** Monday, January 28, 2013 3:35 PM  
**To:** NOR-DL-ALL MIDDLESEX USERS  
**Subject:** Office Staffing Announcements

**Christina Lucci** has been promoted to Superior Court, effective February 11th, where she will join the busy and ever-evolving MDAO JP Hinton Lab team. Christina began in the MDAO as an intern and has spent most of her time on the Lowell District Court team. For the past year and a half, Christina has been the Supervisor in Lowell, where she managed nine prosecutors and hundreds of cases. Christina is an energetic and enthusiastic self-starter who is always anticipating complex issues before they arise. She is well-liked and respected by her colleagues. Congratulations Christina!

Effective immediately, **Katelyn Canty** has been promoted to Paralegal. Katelyn will remain with the Child Abuse Unit, filling the position Erika Willey held before she was promoted to Paralegal Coordinator and joined the PACT Unit. Katelyn began in the office in Lowell, where she was support staff for the district court. She then moved to the Child Abuse Unit where she serves on the Child Fatality Team. She has impressed her supervisors and peers with her diligence, work ethic and professionalism. Both Erika and Katelyn have done a laudable job in handling the CFRT for our team. Congratulations Katelyn!

Effective February 4th, **Chanisada Dejnarongsak** will rejoin the Appeals and Training Bureau in our Cambridge office. "Da" began in the office seven and a half years ago and was assigned to work in the Appeals Bureau. She has been a valued member of the support staff to the Executive Bureau for the past two years. Da is known for her initiative, organizational skills, and keen attention to detail. Da will be a welcome addition to the Cambridge team!

**Ashley Cunningham** has been promoted to Administrative Assistant and will be assigned to work with Deputy First Assistant and Legal Counsel Pam Wechsler. Ashley will continue to coordinate the efforts of the JP Hinton Lab team, where she has served as support staff for the past few months. Ashley started in the MDAO about one year ago, where she served as part of the Grand Jury team. Ashley has built a reputation for her can-do attitude and multi-tasking abilities. Congratulations Ashley!

Gerry



*Gerard T. Leone, Jr. | Middlesex District Attorney*

*15 Commonwealth Ave., Woburn, MA 01801*

 | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 11:34:40 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR)

**Subject:** RE: Office Staffing Announcements

**Sensitivity:** Normal

---



Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

[www.middlesexda.com](http://www.middlesexda.com)

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**From:** Wechsler, Pamela (NOR)

**Sent:** Monday, January 28, 2013 4:06 PM

**To:** Leone, Gerard (NOR)

**Subject:** RE: Office Staffing Announcements


---

**From:** Leone, Gerard (NOR)

**Sent:** Monday, January 28, 2013 3:35 PM

**To:** NOR-DL-ALL MIDDLESEX USERS

**Subject:** Office Staffing Announcements

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Gerry



*Gerard T. Leone, Jr. | Middlesex District Attorney*  
*15 Commonwealth Ave., Woburn, MA 01801*  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 11:34:49 AM  
**From:** Long, MaryBeth (NOR)  
**Sent:** Tue, 29 Jan 2013 14:06:30  
**To:** Leone, Gerard (NOR)  
**Subject:** NECN interview re. Dookhan @ 3:15  
**Sensitivity:** Normal

---

Hi Gerry,  
Ally Donelly will be here at 3:15 for a quick 5 minute interview on the Dookhan issue, as we discussed earlier.

Today, Ally was in court when we Np'd the case of David Santos

Here is some background:

D had been sentenced on 3 counts on 1-28-11, following a bench trial.

Previously, on November 28, 2012, there was a stay of the sentence, and D was released on a 1k cash bail, and GPS w/curfew

Charges were:

1. trafficking over 200grams/class B
- 2& 3 distribution of a class B substance

He received a 15 year sentence on count 1, and sentences of 1 yr HOC to run concurrent on counts 2&3

There were 7 certs in this case.

--1 cert did not test positive for a controlled substance

--6 certs came back as cocaine, and Annie Dookhan was the confirmatory chemist on all of these

I've also attached Ally's email below; just fyi, the language "deemed a bad candidate for re-prosecution" is Ally's language, not the ADA's.

Please let me know if you would like any additional information.

Thanks, MaryBeth

////////////////////////////////////

Hi, Marybeth. We are working on a larger story, updating the public on who's hitting the streets in the Dookhan mess. I'm in drug court now. David Santos, originally sentenced to 15 years for trafficking and distribution, has now been deemed a bad candidate for "re-prosecution." Would Gerry have five minutes today to give us a quick word on the frustration of seeing some of these folks go free? I'd also like to request Santos' mug shot. Thanks so much.

Lowell Sun Story:

In another drug-lab case yesterday, David Santos, of Hudson, who is serving a 15-year state prison sentence for cocaine trafficking, was released on \$1,000 cash bail on a 2008 case where police seized 350 grams of cocaine. Ryan requested \$10,000 cash bail, noting Santos allegedly told police he used rat poison to "cut" the drugs.

But Santos' defense attorney, Jennifer Cox, said her client disputes that he is a drug dealer and denies any statements he allegedly made to police.

Cox argued for personal recognizance, noting that for the past four years her client has been unemployed and his family has been struggling financially.

Ryan countered that Santos was employed as a drug dealer, and was selling drugs from his home with his children around.

Hogan stayed Santos' sentence and ordered that he be released on \$1,000 cash bail pending a hearing [on Nov. 28](#) for a new trial. The conditions of Santos' release are that he must wear a GPS monitoring device, adhere to an 8 p.m.-to-6 a.m. curfew, and submit to random drug screens.

Cox said Santos will seek a new trial to "clear his name."

Ally Donnelly  
Reporter  
NECN

**Archived:** Tuesday, March 12, 2019 11:35:12 AM

**From:** Mastroianni, Mark (WES)

**Sent:** Tue, 29 Jan 2013 22:43:14

**To:** OKeefe, Michael (CPI); Sullivan, David (NWD); McNally, Mary (WES)

**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Healy, Janice (NWD); Dudkiewicz, Donna (NWD); Jeremy Bucci (jeremy.bucci@state.ma.us)

**Subject:** RE: Supplemental budget letter-revised

**Sensitivity:** Normal

---

I think the Amherst lab situation needs to be raised in this letter. Likely Dave C. , Dave S. and myself will have to talk about our financial issues and formulate some separate request but I would like to know MDAA as a group will support us, as we supported the Offices affected by Dookhan. Although our offices saw little to no direct impact from Dookhan, we expended time and resources verifying we had no cases; we also joined in explaining the plight of all DAs offices and formulated \$ office requests to be used to achieve an overall request. We then acknowledged, Dave S. in writing, we likely would not need portions of the funding, thereby allowing the offices in most need to claim any funding that might be made available.

If funding is only made available once, the Hampden district needs a portion it now and I do not want to risk the Western part of state lab issue being financially ignored.. We may not have an available detailed analysis because the Amherst situation is so new, however, it needs to be recognized as a probable further financial issue.

I urge you to include the language proposed by Dave Sullivan

Mark

---

From: OKeefe, Michael (CPI)

Sent: Tuesday, January 29, 2013 9:54 PM

To: Sullivan, David (NWD); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Healy, Janice (NWD); Dudkiewicz, Donna (NWD); Jeremy Bucci (jeremy.bucci@state.ma.us)

Subject: Re: Supplemental budget letter-revised

David , I think the request for funding related to the Amherst lab issue should be the subject of a separate request from those who had originally requested funding but then withdrew same .

It should also be accompanied by an analysis of the scope of the problem and the resulting need by each office as was done in the Dookhan matter.

Sent from my iPhone

On Jan 29, 2013, at 9:32 PM, "Sullivan, David (NWD)" <David.E.Sullivan2@MassMail.State.MA.US> wrote:

Tara: Due to the Amherst State Laboratory debacle I think it wise to renew the original Northwestern DAO request for supplemental funding to address this issue. Please inform Chairmen Dempsey and Senator Brewer's respective Ways and Means Committees. Please let me know if I need to draft a letter to formalize this request. I'm sure that DA Mastroianni will want to re-evaluate his request.

Please insert the following paragraph wherever appropriate:

The critical need for supplemental funding has been further exacerbated by the emerging crisis at UMass Amherst State Laboratory. Recently, a chemist in this former DPH lab was arrested for allegedly tampering with and stealing drug evidence. This chemist, Sonja Farak, has worked in the Amherst State Laboratory since 2004 and at the Hinton Lab beforehand. The nature and extent of her activities and the damage it will cause to past and present criminal cases is unclear. This lab tested samples for over 110 police departments in Hampshire, Franklin, Hampden, and Berkshire counties. The Northwestern, Hampden, and Berkshire District Attorney offices will need supplemental funding to



adequately deal with the thousands of cases handled by Ms. Farak and this laboratory. This lab was closed immediately and is considered a crime scene. The loss of this facility will cause further delays in drug testing around the Commonwealth and impede justice being achieved for defendants and the public.

From: Maguire, Tara (DAA)  
Sent: Tuesday, January 29, 2013 9:02 PM  
To: DAA-DL-DA&EXEC.ASST  
Subject: Supplemental budget letter

DAs,

Attached please find a letter to be sent to the Speaker, with a copy to Chairman Dempsey. District Attorneys O'Keefe and Conley have approved the letter, and ask for your review by Noon tomorrow. Barring concerns, the letter will be sent at Noon.

Thanks to John Towle for drafting the letter!

Thank you,  
Tara

This e-mail message is generated from the Office of the Hampden District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

**Archived:** Tuesday, March 12, 2019 11:35:14 AM

**From:** Morrissey, Michael (NFK)

**Sent:** Tue, 29 Jan 2013 23:09:08

**To:** OKeefe, Michael (CPI)

**Cc:** Sullivan, David (NWD); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Healy, Janice (NWD); Dudkiewicz, Donna (NWD); Jeremy Bucci ([jeremy.bucci@state.ma.us](mailto:jeremy.bucci@state.ma.us))

**Subject:** Re: Supplemental budget letter-revised

**Sensitivity:** Normal

---

I wholeheartedly agree however there are number of us whose cases have also been sent to the Amherst lab that will compound the problem!

Sent from my iPhone

On Jan 29, 2013, at 9:54 PM, "OKeefe, Michael (CPI)" <[Michael.OKeefe@MassMail.State.MA.US](mailto:Michael.OKeefe@MassMail.State.MA.US)> wrote:

David , I think the request for funding related to the Amherst lab issue should be the subject of a separate request from those who had originally requested funding but then withdrew same .  
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---

**From:** Maguire, Tara (DAA)

**Sent:** Tuesday, January 29, 2013 9:02 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** Supplemental budget letter

DAs,

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Thanks to John Towle for drafting the letter!

Thank you,  
Tara

---

**Archived:** Tuesday, March 12, 2019 11:35:19 AM

**From:** Cruz, Timothy (PLY)

**Sent:** Wed, 30 Jan 2013 06:03:41

**To:** OKeefe, Michael (CPI)

**Cc:** Sullivan, David (NWD); Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Healy, Janice (NWD); Dudkiewicz, Donna (NWD); Jeremy Bucci ([jeremy.bucci@state.ma.us](mailto:jeremy.bucci@state.ma.us))

**Subject:** Re: Supplemental budget letter-revised

**Sensitivity:** Normal

---

Nice letter. I think that the Amherst situation merits some mention in this letter, however. Farak work is in Plymouth . May mean doing and going over some of Dookhan work. Tim

Sent from my iPhone

On Jan 30, 2013, at 5:56 AM, "OKeefe, Michael (CPI)" <[Michael.OKeefe@MassMail.State.MA.US](mailto:Michael.OKeefe@MassMail.State.MA.US)> wrote:

It fine by me to include in our letter to the House a reference to the Amherst situation but I recommend that the Offices affected by the recent arrest of that particular chemist get together and do the kind of analysis that was painstakingly done to justify our ask in Dookhan.

One of the things that distinguished our 'ask' in Dookhan from the outrageous initial ask by CPCS was our ability to meet with the Governor and Legislative leaders and lay out our needs in relation to particular numbers of affected cases and the manner in which they were affected ( ie Dookhan as primary or secondary Chemist, correlation of certs to cases and staff needed etc )

Then in a separate followup communication to leadership and the administration signed onto by all DAs this case can be made. Interestingly, we have already uncovered a case where post Dookhan a case was sent from Jamaica Plain to Amherst to avoid Dookhan and was then assigned to the Chemist who was just arrested.

Sent from my iPhone

On Jan 29, 2013, at 9:32 PM, "Sullivan, David (NWD)" <[David.E.Sullivan2@MassMail.State.MA.US](mailto:David.E.Sullivan2@MassMail.State.MA.US)> wrote:

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Thanks to John Towle for drafting the letter!

Thank you,  
Tara

---

**Archived:** Tuesday, March 12, 2019 11:35:22 AM

**From:** Long, MaryBeth (NOR)

**Sent:** Wed, 30 Jan 2013 17:32:03

**To:** Leone, Gerard (NOR)

**Subject:** FORMER PATRICK CABINET CHIEF VETTED FOR DISTRICT COURT JUDGESHIP

**Sensitivity:** Normal

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## FORMER PATRICK CABINET CHIEF VETTED FOR DISTRICT COURT JUDGESHIP

By Colleen Quinn  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, JAN. 30, 2013....Former state Secretary of Public Safety and Security Mary Beth Heffernan appeared before the Governor's Council Wednesday in her bid to become a district court judge and immediately faced scrutiny about her role in overseeing a state drug lab at the center of an unfolding criminal justice crisis stemming from the actions of a rogue chemist.

After she resigned from Gov. Deval Patrick's Cabinet as he launched his final two years in the Corner Office, Patrick nominated Heffernan for a district court judgeship.

Rep. Kevin Kuros (R-Uxbridge) said he came to the hearing to ask Heffernan questions about what happened at the Hinton Drug in Jamaica Plain, as well as to express concerns. Citing an "atrocious lack of oversight" of the lab, Kuros suggested it may weigh into "whether this is an appropriate nominee."

Councilors told him it was their responsibility to ask questions of nominees.

"At some point is it very likely a number of cases will have to be retried. That lab, at one point, was under the nominee's secretariat. My concern is a good defense attorney might be able to make the assertion that the nominee is biased in one way," Kuros said.

Councilor Robert Jubinville said Heffernan would not see the drug cases in her courtroom because special drug courts have been set up to handle cases affected by the chemist's alleged evidence tampering.

While other councilors objected, Councilor Jennie Caissie thanked Kuros for appearing before the council to share his knowledge. Last session Kuros was a member of the House Post Audit Committee charged with looking into the drug lab scandal. Caissie said there are legitimate concerns about "what happened under her watch."

"Whether this falls on the nominee's doorstep or not, I am sure we will hear more about that," Caissie said.

Attorney Peter Bellotti, a criminal defense lawyer, told councilors about a meeting held soon after the drug lab problem was discovered. News of the actions of a rogue chemist was "devastating to a number of people in the criminal justice community." At the meeting, attended by the governor, Bellotti said he and other defense attorneys were impressed by how Heffernan handled the crisis, and quickly set up procedures to respond.

"The whole sense of the meeting was they wanted to help. Mary Beth wanted to help," Bellotti said. "When we left that meeting, defense lawyers, we all felt our clients were getting more than a fair shake."

"I have to say in my 27 years in practicing, when there is a major crisis, you don't see the response that we saw here," Bellotti said. "As a judge, I think that would be one of her most valuable experiences as she sits in judgment of others."

Councilor Terrence Kennedy, who knows Heffernan personally and professionally, pointed out that the Hinton Drug lab did not

originally fall under the Executive Office of Public Safety's jurisdiction. It was transferred by the governor from the Department of Public Health to State Police, then falling under EOPS.

Councilor Marilyn Devaney asked her if she was playing any part in the ongoing investigation of the drug lab. Heffernan said she was no longer the public safety secretary, and had no specific role, but was acting as an advisor to her replacement, Secretary Andrea Cabral.

For almost four hours she answered questions about her tenure at EOPS and her legal experience. She also answered a question about her involvement in another recent scandal her office faced – the hiring of Sheila Burgess as highway safety director despite her lengthy record of driving infractions.

Heffernan said she was not secretary when Burgess was hired by the Governor's Highway Safety Bureau. She knew Burgess when she worked for a Boston hospital, as well as from Congressman Jim McGovern's office, but knew nothing about her driving record.

"I did sit down with her for an informational interview. I never talked to her about the highway safety job," Heffernan said. "She used my name without my permission and without my knowledge."

The hearing was underway for more than an hour-and-a-half before Heffernan had the opportunity to speak. She told councilors her experience as secretary and undersecretary "uniquely qualified" her to understand the criminal justice system, giving her knowledge that would help her when sentencing defendants.

Before becoming secretary in January 2010, Heffernan was undersecretary of criminal justice for two years. Prior to that, Heffernan lobbied for Beth Israel Deaconess Medical Center as associate general counsel and director of intergovernmental and regulatory affairs.

From 1995 to 1999, she was executive director of the Massachusetts District Attorneys Association, and a prosecutor from 1992 to 1995 in the office of Middlesex District Attorney Tom Reilly. She described some of the cases she tried while working in the DA's office.

Councilor Caissie asked her how many trials she handled while in the DA's office. Heffernan said she could not give a specific number, but said she was in court every week handling everything from assault and battery to OUI cases. Caissie said she is concerned Heffernan has not practiced in court since 1995.

Heffernan also fielded questions about her involvement in parole board appointments. Caissie asked her if she had any input into hiring Mark Conrad, the former chair of the board who resigned amid controversy surrounding the parole of Dominic Cinelli, a repeat violent offender who went on to shoot and kill a Woburn police officer.

"Yes. Mark Conrad was hired by this administration and I was the undersecretary," Heffernan said.

"To be a judge you have to have good judgment, that is why I am exploring this," Caissie said. "That is something to some extent you own," Caissie said, referring to Conrad's appointment.

Heffernan responded: "When mistakes are made whether it be the Hinton lab or the parole board, I would hope that swift, quick, certain action is taken. Obviously a wrong needs to be righted. I hope my background has shown I am able to do that. As a judge I bring a lot of ability to weigh, but also the ability to make decisions. I hope those are the kinds of qualifications I am able to bring to the bench."

Caissie said many people are watching Heffernan's nomination, and that "political appointments sometimes intersect with qualified people."

"But there are some legitimate concerns here about your nomination I believe should be discussed publicly," Caissie said.

Councilor Oliver Cipollini asked her philosophy on sentencing and rehabilitation. Heffernan said she would take a holistic approach.

"I have seen the other side of the coin where people reenter society. Over 90 percent of folks incarcerated return to their communities. As a judge I would take that knowledge, craft it with the defendant's record in mind, any input from the Probation Department which would enlighten me to any substance abuse. And I would also take into consideration public safety," she said.

Heffernan's witness list featured Middlesex District Attorney Gerard Leone and Chief Justice of the District Court Lynda Connolly.

Leone, who first met Heffernan at Suffolk Law School, said, "She knows what it is like to be in front of a judge, and what it is like to satisfy the elements of proof."

As secretary of public safety and security she navigated the varied interests in the criminal justice system, he said.

Connolly said she was hopeful that before retiring from the court on March 1 she would be able to welcome Heffernan, someone she has known “almost her entire life.” Heffernan’s varied experience and background have prepared her for the role of district court judge, she said.

“Without hesitation I can say to you she is extremely well-qualified to be one of the finest district court judges we have ever had in the commonwealth,” Connolly said.

In the 1980s, Heffernan worked for former state Sen. Patricia McGovern, who testified Wednesday on her behalf. McGovern said the district court needs more people like Heffernan.

“She gets people, and she solves problems,” said McGovern.

END

1/30/2013

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**Archived:** Tuesday, March 12, 2019 11:35:28 AM

**From:** Stevens, Bethany (NOR)

**Sent:** Thu, 31 Jan 2013 14:28:17

**To:** Leone, Gerard (NOR)

**Cc:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)

**Subject:** RE: Budget Letter to Msex Delegation Members

**Sensitivity:** Normal

---

Here is draft - got some info from Pat, and Sarah reviewed as well.

Dear \_\_\_\_\_,

As you know, I am committed to protecting and serving the citizens of Middlesex through successful prosecutions as well as front-end intervention, prevention and education programs. In order to successfully continue this important work, the Middlesex District Attorney's Office needs your help to ensure that we have the necessary budgetary resources to fulfill the core missions of investigating and prosecuting crimes, as well as continue our programmatic approaches to reducing crime and recidivism so that we can continue to make our communities safer.

We are very appreciative of the 5% increases in the FY2012 and FY2013 budgets that allowed us to begin to recover from the underfunded and understaffed times of FY2009 to FY2010 when our budget was severely eroded by an 8.5% reduction and the subsequent level funding in FY2010 and FY2011. Even with these most recent budget increases, however, our office remains understaffed and overworked. It is only this year that we have reinitiated our hiring process to begin to restore necessary staffing levels. Any progress made, unfortunately, has been severely impacted by the Hinton State Laboratory crisis that hit us last September.

It is for these reasons that I cannot urge you strongly enough to **vote against the 1% reduction of our budget** proposed by the Governor and to move quickly on a supplemental budget to fund the significant costs we have already incurred, and will continue to incur, as we deal with the fallout from the Hinton State Laboratory crisis.

I also ask that you consider a separate budget adjustment for the Massachusetts State Police overtime budget to ensure that our child protection efforts are not compromised. These horrific crimes against the most vulnerable of victims are increasingly facilitated by and perpetrated through the use of technology. The specialized investigatory skills and techniques developed by the Massachusetts State Police are necessary to combat child predators who occupy the cyber sphere with increasing prevalence.

I would very much appreciate your support of my efforts to ensure that the Middlesex District Attorney's Office is able to adequately protect and serve the citizens of Middlesex, and I would be happy to discuss any of these issues with you directly.

Sincerely,

GTL

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Thursday, January 31, 2013 7:46 AM  
To: Stevens, Bethany (NOR)  
Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)  
Subject: Re: Budget Letter to Msex Delegation Members

Thanks

I spoke with Mike about it this a.m.  
Let's keep it brief and to the point, referencing data that can be provided in support of our requests.  
We have the JP Lab ask, and the MSP OT tabulation data.

----- Original Message -----

From: Stevens, Bethany (NOR)  
Sent: Thursday, January 31, 2013 07:40 AM  
To: Leone, Gerard (NOR)  
Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)  
Subject: RE: Budget Letter to Msex Delegation Members

ok - will work on that this morning and get you a draft.

---

From: Leone, Gerard (NOR)  
Sent: Wednesday, January 30, 2013 10:27 PM  
To: Stevens, Bethany (NOR)  
Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR); Leone, Gerard (NOR)  
Subject: Budget Letter to Msex Delegation Members

Thank you for budget increases of last two years...

Despite that help, Remain overworked, underfunded and understaffed.

Therefore, Seek your support and help in...  
No on authorizing 9C DAO cut recently proposed; (tie with) Yes on JP Lab Supplemental; and

Consideration of a separate budget adjustment for MSP OT/ICAC (compromise in Child Protection efforts at a time when never been worse);

With a Budget increase (no need ask for a %age here).

DA GTL

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Wednesday, January 30, 2013 10:21 PM

To: Stevens, Bethany (NOR)

Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR); Leone, Gerard (NOR)

Subject: Budget

Tomorrow, Let's draft a letter to Msex Reps and Senators addressing:

9C 1% cuts; and

JP Lab (with our proposal number); and

MSP OT/ICAC (what needed to keep up with last 3 MSP CBA OT increases (I/we have the numbers)

Thanks

**Archived:** Tuesday, March 12, 2019 11:35:33 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ryan, Marian (NOR); Wechsler, Pamela (NOR); Stevens, Bethany (NOR)  
**Subject:** Re: Supplemental budget letter-revised  
**Sensitivity:** Normal

---

Thanks.

Several DAs weighing in now on how some overflow had been sent to Amherst from JP, and how Amherst needs to be part of our \$ ask.

I don't understand why they are not seeing a need to combine with the ask to veto DAs 9C cuts.

---

**From:** Ryan, Marian (NOR)  
**Sent:** Wednesday, January 30, 2013 07:30 AM  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: Supplemental budget letter-revised

As of last week we had 2.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, January 30, 2013 07:30 AM  
**To:** Wechsler, Pamela (NOR); Ryan, Marian (NOR)  
**Subject:** Fw: Supplemental budget letter-revised

Have we done an assessment whether we have any cases impacted by the Chemist II scandal?

Thanks

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Wednesday, January 30, 2013 05:56 AM  
**To:** Sullivan, David (NWD)  
**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Healy, Janice (NWD); Dudkiewicz, Donna (NWD); Jeremy Bucci (jeremy.bucci@state.ma.us) <jeremy.bucci@state.ma.us>  
**Subject:** Re: Supplemental budget letter-revised

It fine by me to include in our letter to the House a reference to the Amherst situation but I recommend that the Offices affected by the recent arrest of that particular chemist get together and do the kind of analysis that was painstakingly done to justify our ask in Dookhan.

One of the things that distinguished our 'ask' in Dookhan from the outrageous initial ask by CPCS was our ability to meet with the Governor and Legislative leaders and lay out our needs in relation to particular numbers of affected cases and the manner in which they were affected ( ie Dookhan as primary or secondary Chemist, correlation of certs to cases and staff needed etc ) Then in a separate followup communication to leadership and the administration signed onto by all DAs this case can be made. Interestingly, we have already uncovered a case where post Dookhan a case was sent from Jamaica Plain to Amherst to avoid Dookhan and was then assigned to the Chemist who was just arrested.

Sent from my iPhone

On Jan 29, 2013, at 9:32 PM, "Sullivan, David (NWD)" <[David.E.Sullivan2@MassMail.State.MA.US](mailto:David.E.Sullivan2@MassMail.State.MA.US)> wrote:

Tara: Due to the Amherst State Laboratory debacle I think it wise to renew the original Northwestern DAO request for supplemental funding to address this issue. Please inform Chairmen Dempsey and Senator Brewer's respective Ways and Means Committees. Please let me know if I need to draft a letter to formalize this request. I'm sure that DA Mastroianni will want to re-evaluate his request.

Please insert the following paragraph wherever appropriate:

The critical need for supplemental funding has been further exacerbated by the emerging crisis at UMass Amherst State Laboratory. Recently, a chemist in this former DPH lab was arrested for allegedly tampering with and stealing drug evidence. This chemist, Sonja Farak, has worked in the Amherst State Laboratory since 2004 and at the Hinton Lab beforehand. The nature and extent of her activities and the damage it will cause to past and present criminal cases is unclear. This lab tested samples for over 110 police departments in Hampshire, Franklin, Hampden, and Berkshire counties. The Northwestern, Hampden, and Berkshire District Attorney offices will need supplemental funding to adequately deal with the thousands of cases handled by Ms. Farak and this laboratory. This lab was closed immediately and is considered a crime scene. The loss of this facility will cause further delays in drug testing around the Commonwealth and impede justice being achieved for defendants and the public.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Tuesday, January 29, 2013 9:02 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Supplemental budget letter

DAs,

Attached please find a letter to be sent to the Speaker, with a copy to Chairman Dempsey. District Attorneys O'Keefe and Conley have approved the letter, and ask for your review by Noon tomorrow. Barring concerns, the letter will be sent at Noon.

Thanks to John Towle for drafting the letter!

Thank you,  
Tara

---

**Archived:** Tuesday, March 12, 2019 11:35:37 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ryan, Marian (NOR)  
**Subject:** Re: Supplemental budget letter-revised  
**Sensitivity:** Normal

---

That may need a tweak upward in our \$ ask of the Legislature..

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, January 30, 2013 07:31 AM  
To: Ryan, Marian (NOR); Leone, Gerard (NOR)  
Subject: RE: Supplemental budget letter-revised

Howard also found that she was a "victim" passenger in a car where the driver was arrested on a drug offense and OUI.

Also, as it relates to the budget, we are expending some manpower resources looking into it.

---

From: Ryan, Marian (NOR)  
Sent: Wednesday, January 30, 2013 7:30 AM  
To: Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Subject: Re: Supplemental budget letter-revised

As of last week we had 2.

From: Leone, Gerard (NOR)  
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To: Wechsler, Pamela (NOR); Ryan, Marian (NOR)  
Subject: Fw: Supplemental budget letter-revised

Have we done an assessment whether we have any cases impacted by the Chemist II scandal?  
Thanks

From: OKeefe, Michael (CPI)  
Sent: Wednesday, January 30, 2013 05:56 AM  
To: Sullivan, David (NWD)  
Cc: Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST; Healy, Janice (NWD); Dudkiewicz, Donna (NWD); Jeremy Bucci (jeremy.bucci@state.ma.us) <jeremy.bucci@state.ma.us>  
Subject: Re: Supplemental budget letter-revised

It fine by me to include in our letter to the House a reference to the Amherst situation but I recommend that the Offices affected by the recent arrest of that particular chemist get together and do the kind of analysis that was painstakingly done to justify our ask in Dookhan.

One of the things that distinguished our 'ask' in Dookhan from the outrageous initial ask by CPCS was our ability to meet with the Governor and Legislative leaders and lay out our needs in relation to particular numbers of affected cases and the manner in which they were affected ( ie Dookhan as primary or secondary Chemist, correlation of certs to cases and staff needed etc )

Then in a separate followup communication to leadership and the administration signed onto by all DAs this case can be made. Interestingly, we have already uncovered a case where post Dookhan a case was sent from Jamaica Plain to Amherst to avoid Dookhan and was then assigned to the Chemist who was just arrested.

Sent from my iPhone

On Jan 29, 2013, at 9:32 PM, "Sullivan, David (NWD)" <David.E.Sullivan2@MassMail.State.MA.US<mailto:David.E.Sullivan2@MassMail.State.MA.US>> wrote:

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Please insert the following paragraph wherever appropriate:

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From: Maguire, Tara (DAA)  
Sent: Tuesday, January 29, 2013 9:02 PM  
To: DAA-DL-DA&EXEC.ASST  
Subject: Supplemental budget letter

DAs,

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Thanks to John Towle for drafting the letter!

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 11:35:42 AM  
**From:** Leone, Gerard (NOR)  
**To:** Stevens, Bethany (NOR)  
**Subject:** Re: Budget Letter to Msex Delegation Members  
**Sensitivity:** Normal

---

It is.

But the 9C issue is now for the Legislature, so I was just avoiding poking the Gov in the eye (what's done is done by him) - it is really for them now, as the power to cut DAOs. Under 9C needs authority from the Leg.

----- Original Message -----

From: Stevens, Bethany (NOR)  
Sent: Thursday, January 31, 2013 08:47 PM  
To: Leone, Gerard (NOR)  
Subject: RE: Budget Letter to Msex Delegation Members

I like your edits, but would suggest not referring to the 1% reduction as a 9C cut -- and we should also consider whether to directly address the Governor's request to expand his 9C powers.

I am fairly new to this budget thing, but from reading the Governor's letter, sections of chapter 29, as well as c. 29, 9C -- chapter 29 only covers state agencies and state authorities. So the Governor's 9C power extends only to such agencies/authorities - we are beyond his 9C power (and he doesn't need legislative approval to make cuts pursuant to 9C).

He is asking the Legislature to include us (and other budgetary categories, including local aid I think) in his 9C power so that he could unilaterally cut. His characterizing cuts to us as a type of 9C cut is only in the sense that he is doing his part with the agencies he has control over and wants the rest to reduce budgets as well. But he has no special authority to do that - all he can do is what he can do with any other law he wants to pass - ask the Legislature to pass it (and ask them to expand his power so he doesn't have to ask them). At least that's my understanding.

So I would not say 1% 9C cuts - I'm on the fence about whether to add another sentence to directly address "vote against allowing him to expand his 9C powers" or that that just goes without saying...

Do you think my understanding is correct?

---

From: Leone, Gerard (NOR)  
Sent: Thursday, January 31, 2013 5:03 PM  
To: Stevens, Bethany (NOR); Leone, Gerard (NOR)  
Cc: Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)  
Subject: Budget Letter to Msex Delegation Members

Thanks. This is good. I have placed a few suggested edits in the email draft letter below.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com>>



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Dear \_\_\_\_\_,

I am committed to protecting and serving the citizens of Middlesex through successful prosecutions as well as prevention focused intervention, training and education programs. In order to successfully carry out the mandated service and protection of the Massachusetts public that is enumerated in the preamble to our U.S. and MA constitution, the Middlesex District Attorney's Office ("MDAO") needs your help to ensure that we have the necessary budgetary resources to fulfill the core missions of investigating and prosecuting crimes, as well as continue our programmatic approaches to reducing crime and recidivism, so that we can continue to make our communities safer.

We are very appreciative of the 5% increases in the FY2012 and FY2013 budgets that allowed us to begin to recover from the chronic underfunding and understaffing that has plagued us for several years prior. However, the severe budgetary and resource impact of the Hinton Laboratory and [inadequate funding of our budgets in the years prior to 2012 and 2013 - ?], has resulted in our office remaining understaffed, underpaid and overworked when we were just starting to get some budgetary traction.

It is for these reasons that I strongly urge you to vote against the 1% 9C reduction of our budget that was recently proposed by the Governor, and to move as quickly as possible on a supplemental budget to fund the significant costs we have already incurred, and will continue to incur, as we deal with the fallout from the Hinton State Laboratory crisis. If necessary, we can resubmit the actual supporting data that we have submitted to you through MDAA.

Lastly, I also ask that you consider a separate budget adjustment for our Massachusetts State Police overtime ("MSP OT") budget which is charged to our office, to ensure that our child protection efforts are properly funded. These serious predatory crimes of abuse and exploitation against the most vulnerable of victims among us are increasingly facilitated by and perpetrated through the use of technology. We combat these types of abuse and exploitation crimes through our Internet Crimes Against Children ("ICAC"). The efforts of our ICAC Program are presently being compromised because our allotted MSP OT has not kept up with the rises in MSP OT rates.

I would very much appreciate your support of my efforts to ensure that the Middlesex District Attorney's Office is able to adequately protect and serve the citizens of Middlesex, and I would be happy to discuss any of these issues with you directly.

Sincerely,

GTL

**Archived:** Tuesday, March 12, 2019 11:35:44 AM

**From:** Stevens, Bethany (NOR)

**Sent:** Fri, 1 Feb 2013 09:29:54

**To:** Leone, Gerard (NOR)

**Cc:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)

**Subject:** RE: Budget Letter to Msex Delegation Members

**Sensitivity:** Normal

---

Gerry,

Below is the letter incorporating your edits – I added language for what you had in brackets in the second paragraph, and moved the 9C reference in the third paragraph (noted in blue). And do you agree to bolding the “vote against” phrase?

Once we finalize, do you want me to reach out to Diane to print for your signature?

Dear \_\_\_\_\_,

I am committed to protecting and serving the citizens of Middlesex through successful prosecutions as well as prevention focused intervention, training and education programs. In order to successfully carry out the mandated service and protection of the Massachusetts public that is enumerated in the preamble of our U.S. and Massachusetts Constitutions, the Middlesex District Attorney’s Office ("MDAO") needs your help to ensure that we have the necessary budgetary resources to fulfill the core missions of investigating and prosecuting crimes, as well as to continue our programmatic approaches to reducing crime and recidivism, so that we can continue to make our communities safer.

We are very appreciative of the 5% increases in the FY2012 and FY2013 budgets that allowed us to begin to recover from the chronic underfunding and understaffing that has plagued us for several years prior. However, the severe budgetary and resource impact of the Hinton Laboratory crisis [upon our already severely eroded budgets from the years prior to FY2012](#), has resulted in our office remaining understaffed, underpaid and overworked when we were just starting to get some budgetary traction.

It is for these reasons that I strongly urge you to **vote against the 1% reduction of our budget** that was recently proposed by the Governor [in conjunction with his 9C cuts](#), and to move as quickly as possible on a supplemental budget to fund the significant costs we have already incurred, and will continue to incur, as we deal with the fallout from the Hinton State Laboratory crisis. If necessary, we can resubmit the actual supporting data that we have submitted to you through MDAA.

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Sincerely,

GTL

Bethany Stevens, Deputy Chief  
Middlesex Appeals & Training Bureau  
ph: [REDACTED] fax: [REDACTED]

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, January 31, 2013 5:04 PM  
**To:** Stevens, Bethany (NOR); Leone, Gerard (NOR)  
**Cc:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)  
**Subject:** Budget Letter to Msex Delegation Members

Thanks. This is good. I have placed a few suggested edits in the email draft letter below.

<< OLE Object: Picture (Metafile) >>  
Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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I would very much appreciate your support of my efforts to ensure that the Middlesex District Attorney's Office is able to adequately protect and serve the citizens of Middlesex, and I would be happy to discuss any of these issues with you directly.

Sincerely,

GTL

**Archived:** Tuesday, March 12, 2019 11:35:51 AM

**From:** Leone, Gerard (NOR)

**To:** Stevens, Bethany (NOR)

**Cc:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)

**Subject:** RE: Budget Letter to Msex Delegation Members

**Sensitivity:** Normal

---

The latter. thanks

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Stevens, Bethany (NOR)  
**Sent:** Monday, February 04, 2013 12:34 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)  
**Subject:** RE: Budget Letter to Msex Delegation Members

Will do – do you want one for each Middlesex legislator (and SP and Speaker) ready for you to sign? Or just one copy of a final to discuss?

Bethany Stevens, Deputy Chief  
Middlesex Appeals & Training Bureau  
ph: [REDACTED] fax: [REDACTED]

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**From:** Leone, Gerard (NOR)  
**Sent:** Monday, February 04, 2013 12:23 PM  
**To:** Stevens, Bethany (NOR); Leone, Gerard (NOR)  
**Cc:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)  
**Subject:** RE: Budget Letter to Msex Delegation Members

Bethany, see my edits below. Let's print the letter for P3 tomorrow.  
Thanks

<< OLE Object: Picture (Metafile) >>

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] / [www.middlesexda.com](http://www.middlesexda.com)

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Dear \_\_\_\_\_,

I am committed to protecting and serving the citizens of Middlesex through successful prosecutions as well as prevention focused intervention, training and education programs. In order to successfully carry out the mandated service and protection of the Massachusetts public that is enumerated in the preamble of our U.S. and Massachusetts Constitutions, [and accomplish our unfunded mandates](#), the Middlesex District Attorney's Office ("MDAO") needs your help to ensure that we have the necessary budgetary resources to fulfill the core missions of investigating and prosecuting crimes, as well as to continue our programmatic approaches to reducing crime and recidivism, so that we can continue to make our communities safer.

We are very appreciative of the 5% increases in the FY2012 and FY2013 budgets that allowed us to begin to recover from the chronic underfunding and understaffing that has plagued us for several years prior. However, the severe budgetary and resource impact of the Hinton Laboratory crisis upon our already severely eroded budgets from the years prior to FY2012, has resulted in our office remaining understaffed, underpaid and overworked when we were just starting to get some budgetary traction.

*It is for these reasons that I strongly urge you to **vote against the 1% reduction of our budget** that was recently proposed in connection "9C cuts", and to **move as quickly as possible on a supplemental budget** to fund the significant costs we have already incurred, and will continue to incur, as we deal with the fallout from the Hinton State Laboratory crisis. If necessary, we can resubmit the actual supporting data that we have submitted to you through MDAA.*

Lastly, I also ask that you consider a separate budget adjustment for our Massachusetts State Police overtime ("MSP OT") budget which is separately charged to our office, to ensure that our child protection efforts are properly funded. These serious predatory crimes of abuse and exploitation against the most vulnerable of victims among us are increasingly facilitated by and perpetrated through the use of technology. We combat these types of abuse and exploitation crimes through our Internet Crimes Against Children ("ICAC"). The efforts of our ICAC Program are presently being compromised because our allotted MSP OT has not kept up with the rises in MSP OT rates.

I would very much appreciate your support of my efforts to ensure that the Middlesex District Attorney's Office is able to adequately protect and serve the citizens of Middlesex, and I would be happy to discuss any of these issues with you directly.

Sincerely,

GTL

**Archived:** Tuesday, March 12, 2019 11:35:58 AM  
**From:** OKeefe, Michael (CPI)  
**Sent:** Mon, 4 Feb 2013 19:49:14  
**To:** Early, Joseph (MID)  
**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Supplemental Budget Amendment for District Attorneys  
**Sensitivity:** Normal

---

That's vey good . Who would have thought that's how you spelled her name!

Sent from my iPhone

On Feb 4, 2013, at 7:34 PM, "Early, Joseph (MID)" <Joseph.Early@MassMail.State.MA.US> wrote:

> Thank you Tara  
>  
> Sent from my iPhone  
>  
> On Feb 4, 2013, at 7:33 PM, "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US> wrote:  
>  
>> To the DAs,  
>>  
>> Attached please find the supplemental budget as released in the House today. The budget includes the Governor's 1% cuts, but greatly limits those agencies that can be cut. (For example, the Legislature, Higher Education, State Comptroller, etc. can be cut; the District Attorneys cannot.) See section 27.  
>>  
>> In addition, the bill seeks to appropriate a \$30M fund for Hinton Lab costs which would be distributed by A&F. The attached amendment, filed by Chairman Linsky on behalf of the DAs, seeks to increase each DA Office directly by the original amount sought from the Governor last October. This money would be a direct appropriation, and not filtered through A&F.  
>>  
>> I am told this supplemental seeks to address the costs associated with the Hinton Lab crisis. As costs become more clear, you can seek the same for the Amherst Lab.  
>>  
>> Please do not hesitate to call or email me with any questions. I'll forward the budget amendment number tomorrow when the amendment has been filed. Any calls to the Representatives in your district would be very helpful.  
>>  
>> Thank you,  
>> Tara  
>>  
>> From: Maguire, Tara (DAA)  
>> Sent: Monday, February 04, 2013 7:15 PM  
>> To: David.Linsky@mahouse.gov; VanTassel, Alayna (HOU) (alayna.vantassel@mahouse.gov)  
>> Cc: OKeefe, Michael (CPI)  
>> Subject: Supplemental Budget Amendment for District Attorneys  
>>  
>> Chairman Linsky and Alayna,  
>>  
>> Attached please find an amendment to the House supplemental budget for the District Attorneys and MDAA representing the costs borne as a result of the Hinton Lab crisis. Below, please find a few talking points on the need for this funding.  
>>



>>

>> Since the time the DAs were informed of the disaster, much of their legal and non-legal staff, including senior prosecutors and DAs, have had their time monopolized; this cannot continue indefinitely. In dealing with one crisis, we will only create another if we do not quickly and adequately resource prosecutor offices to ensure that the victims and cases that normally come before our offices receive appropriate care and attention. The District Attorneys and MDAA are seeking \$12,752,237 in supplemental funds to advance and preserve the interests of justice in cases compromised by the failures at the DPH Hinton Laboratory.

>>

>> . The most effective and cost efficient means of addressing the mass influx of potentially compromised cases without jeopardizing the traditional cases is by creating new units at the Superior Court and District Court levels within our offices. This structure dovetails with the trial court's approach in establishing dedicated sessions.

>>

>> . These costs represent the legal and non-legal salaries of employees working the new units, as well as the costs of case archive retrieval. While some of the costs are one-time, the salaries will need to be annualized for a short period of time; that is, while these hires might indicate a very minor increase in our staffing in the short term, due to the high rate of attrition prosecutor offices typically suffer, this increase will inevitably wash out and we will soon find ourselves back at our normal staffing levels, meaning that the resources we require will have been dedicated only to addressing this crisis.

>>

>> . The DAs have borne the brunt of the work in cleaning up these cases; all drug-related cases must be retrieved and reviewed to determine if they were impacted. For those cases impacted, only experienced prosecutors can evaluate the case and determine how to proceed in the interest of justice. This case-by-case analysis is labor intensive and time consuming.

>>

>> . The DAs have exercised every possible restraint in arriving at these budget figures. Even with the new staff, all prosecutors will see their caseloads and workloads increase significantly. For example, Suffolk County has a typical annual caseload of 40,000 criminal cases. It has now been burdened with an additional 23,000 cases related to chemist Annie Dookhan. The new unit will absorb a good portion of this work, but other prosecutors and staff cannot possibly be insulated. By sheer necessity, they will continue to bear significant new responsibilities. This pattern is the same in each of the affected offices.

>>

>> . At the DAs' request, MDAA is seeking supplemental funds for a database system to be used by all DA offices to track the DPH cases (\$15,000), and a part time administrator to assist in the coordination of DPH lab information (\$18,000).

>> The Governor's and most recent House proposal sets aside a pool of \$30 million under the Secretary of Administration and Finance. All affected state agencies and municipalities would be required to seek approval from the Secretary on a monthly basis to cover costs associated with the clean-up of the lab crisis. This raises a number of serious concerns for the District Attorneys:

>>

>> . First, forcing entities to effectively compete for limited resources and leaving to the Secretary of Administration and Finance final judgment creates too much uncertainty when what we need is clear prioritization and a predictable fiscal framework in which to manage this monumental task now and in the months ahead.

>>

>> . Second, being forced to seek monthly reimbursements is completely at odds with how their offices are structured. The District Attorneys can't outsource our work, they don't hire prosecutors as "temps", and they can't incur costs now and hope to be reimbursed later.

>> The District Attorneys' approach to this crisis is cost efficient and respects the unspoken intent of both the Governor and the Legislature that this crisis not be used by any of the affected entities to needlessly and permanently expand their agencies. The DAs sought only the minimum number of prosecutors they felt they needed to staff dedicated "crisis" units and then to replace the experienced personnel lost. In fact, even with these replacement hires, almost all of their other prosecutors will still experience an increase in their overall caseloads.

>>

>> Chairman Linsky, thank you very much for sponsoring the DAs budget amendment; Alayna, thank you for your help in coordinating and filing the amendment. If you need any information or have any questions,

please do not hesitate to call or email me. My direct line is [REDACTED].

>> Thanks again,

>> Tara

>>

>> Tara Maguire

>> Executive Director

>> Massachusetts District Attorneys Association

>> 1 Bulfinch Place, # 202

>> Boston, MA 02114

>> [REDACTED]

>>

>> <District Attorney amendment to HB 55- Supplemental Budget.doc>

>> <HB 55 - JP Lab Supplemental as released in House 2-4-13.pdf>

**Archived:** Tuesday, March 12, 2019 11:36:19 AM

**From:** Leone, Gerard (NOR)

**To:** 'Sara DeSimone'; DeSimone, Sara (NOR); Long, MaryBeth (NOR); O'Brien, Cara (NOR)

**Subject:** FW: Morning Office Clips: February 5, 2013

**Sensitivity:** Normal

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Nice!



*Gerard T. Leone, Jr. | Middlesex District Attorney*

*15 Commonwealth Ave., Woburn, MA 01801*

[www.middlesexda.com](http://www.middlesexda.com)

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**From:** O'Brien, Cara (NOR)

**Sent:** Tuesday, February 05, 2013 8:44 AM

**To:** NOR-DL-ALL MIDDLESEX USERS

**Subject:** Morning Office Clips: February 5, 2013

### **Cambridge's DeSimone rejoins Middlesex DA's Office**

The Cambridge Chronicle, February 5, 2013

<http://www.wickedlocal.com/cambridge/news/x1037504444/Cambridges-DeSimone-rejoins-Middlesex-DA-s-Office#axzz2K1xLkotO>

- Cambridge — Middlesex District Attorney Gerry Leone announced that Cambridge resident Sara Concannon DeSimone has rejoined the Middlesex District Attorney's Office as an assistant district attorney.
- DeSimone, a graduate of Suffolk University Law School, has joined the team that is assigned to handle cases involving former DPH chemist Annie Dookhan and the JP Hinton Drug Lab. In addition, DeSimone will work on a variety of legal cases throughout the office.
- "We're extremely pleased to welcome back Sara to our outstanding team of ADAs here in the Middlesex DA's Office," Leone said. "Sara has shown commitment and dedication to the people of Middlesex County during her previous seven years at our office and during her public service at the Attorney General's Office."
- DeSimone originally joined the Middlesex District Attorney's Office in 1998 as a district court ADA in Malden and Ayer. She was promoted to the Cambridge Superior Court Team in 2000 and continued her work at the MDAO until 2005 working as an ADA in the Adult Sexual Assault Unit, Child Abuse Unit, and the Lowell Superior Court trial team. In 2006, DeSimone joined the Attorney General's Office as an AAG in the Medicaid Fraud Control Unit where she was involved in both criminal and civil cases relative to Medicare fraud.

**Archived:** Tuesday, March 12, 2019 11:36:22 AM  
**From:** O'Brien, Cara (NOR)  
**Sent:** Tue, 5 Feb 2013 08:44:27  
**To:** [NOR-DL-ALL MIDDLESEX USERS](#)  
**Subject:** Morning Office Clips: February 5, 2013  
**Sensitivity:** Normal

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The Cambridge Chronicle, February 5, 2013

<http://www.wickedlocal.com/cambridge/news/x1037504444/Cambridges-DeSimone-rejoins-Middlesex-DA-s-Office#axzz2K1xLkotO>

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### **Alleged killer lunges at kin of slain victim**

By Matt Stout, The Boston Herald, February 5, 2013

[http://bostonherald.com/news\\_opinion/local\\_coverage/2013/02/alleged\\_killer\\_lunges\\_kin\\_slay\\_victim](http://bostonherald.com/news_opinion/local_coverage/2013/02/alleged_killer_lunges_kin_slay_victim)

- The Framingham man accused of hacking his teen bride to death went berserk during his trial yesterday, jumping over a barrier in the courtroom and lunging at the victim's relatives in a profanity-laced attack that left the family in shock.
- "It just happened," Norman Marcheterre, the step-father of 19-year-old murder victim Heather Alleyne, said later about the accused killer's menacing outburst.
- Heather Alleyne's body was found inside her Framingham apartment Aug. 9, 2010, days after police say her husband, Kyle Alleyne, killed her in a fit of rage.
- Marcheterre was sitting in the gallery inside a Middlesex Superior courtroom yesterday morning when officials say Kyle Alleyne, 28, jumped over a railing toward the family and knocked over several file boxes before court officers wrestled him away.
- Marcheterre said he had no clue what prompted the attack, during which Alleyne swore at his wife.
- "We were surprised," he said. "The thing is, my wife and I would like to get through this. The DA will go over everything with us after the trial, and then we want to get on with our lives."
- A spokeswoman for the Middlesex District Attorney's Office declined comment on whether authorities would charge Alleyne in the attack, which happened before jurors were inside the courtroom. Alleyne's lawyer, Michael Bourbeau, declined comment in a phone interview, citing the ongoing trial.

- Prosecutors have said Alleyne — “an avowed Communist,” according to his lawyer — was enraged to learn his wife’s baby girl, who was born July 23, 2010, was the product of an extramarital affair.

## **Lowell man portrayed in two films charged in church theft**

By Lyle Moran and Lisa Redmond, The Lowell Sun, February 5, 2013

[http://www.lowellsun.com/todaysheadlines/ci\\_22521721/lowell-man-portrayed-two-films-charged-church-theft](http://www.lowellsun.com/todaysheadlines/ci_22521721/lowell-man-portrayed-two-films-charged-church-theft)

- LOWELL -- When Christ Jubilee International Church Pastor Jeremiah Menyongai was told last Saturday a bass guitar was missing after worship practice, he says he was not too worried because he figured it would come back with a parishioner the next day.
- But when church-goers noticed before Sunday morning's service that the cabinets where the Communion sets were kept had been broken into and four gold-plated Communion trays were missing, the pastor of the Smith Street church knew something was amiss.
- "People started to panic about what happened, but I realized someone must have broken into the church," Menyongai said.
- Menyongai's hunch was right.
- On Monday, a 58-year-old Lowell man who was portrayed as a crack addict in the movie The Fighter pleaded not guilty to receiving stolen property from the church, including the guitar, Communion plates and wine holders.
- In Lowell District Court, Gary E. Giuffrida was released on personal recognizance with the condition that he stay away from the church at 101 Smith St. in Lowell.
- Giuffrida was portrayed by actor Paul Campbell in the movie The Fighter as a crack-addicted friend of fighter Micky Ward's half-brother Dicky Eklund. Giuffrida was also a main character, along with Eklund, in the 1995 HBO documentary High on Crack Street.
- Lowell police allege in court documents that they responded at 11:23 a.m. on Sunday to the church about a past larceny.
- While there are external cameras, the general manager was unsure if any were operational at the time of the incident. The manager told police that the church is used by a weekly Alcoholics Anonymous meeting and a musical group using the building to practice. The musical group resets the alarm when they leave.
- At 1 p.m. Sunday, police were notified that the stolen property had been returned while the church service was ongoing.
- A witness, who assists in running a weekly AA meeting at the church, told police that while giving Giuffrida a ride home, he overheard Giuffrida on the phone trying to find out how much a guitar he had was worth. Shortly after that the witness was told of the thefts. The witness called Giuffrida and demanded he return the items.
- Giuffrida allegedly told the witness that the items were in a closet in his 339 High St. apartment. The witness gathered the items and returned them to the church. One of the items, a gold-colored urn, had been stolen from a church in Salem, N.H.
- When police spoke to Giuffrida, he denied stealing the items, telling investigators that a man named "Bill" stole them but gave Giuffrida the items to sell for a cut of the profits.
- Menyongai said he was disappointed it appears someone from the AA group took the church items.
- "To break into a church and steal things that are sacred to people is just wrong," Menyongai said. "It was defiling a place of worship."
- But Menyongai praised AA officials for helping the church to recover the stolen items. He said church officials will talk to the AA leaders about keeping a closer eye on the 100 or so people who show up for the Saturday meetings.

- "We will continue to open the church to the community to people suffering from different addictions," Menyongai said. "The AA people have the best of intentions."
- Giuffrida, who has a number of cases in Lowell District Court, has a pretrial conference scheduled for April 1.

### **Car hits woman in city**

By Robert Mills, The Lowell Sun, February 5, 2013

[http://www.lowellsun.com/local/ci\\_22521822/car-hits-woman-city](http://www.lowellsun.com/local/ci_22521822/car-hits-woman-city)

- LOWELL -- A 20-year-old Billerica woman was flown to a Boston trauma center with life-threatening injuries after she was struck by a Toyota Camry on Stevens Street Monday night.
- Police were called to Stevens Street at West Forest Street at 6:27 p.m. for a report that a woman was unconscious in the middle of the street.
- Police found the woman suffering from serious injuries. The Camry that allegedly struck her stopped about 50 feet down the street.
- The woman later regained consciousness, but more information on her condition was not immediately available Monday night.
- Police said an 18-year-old Lowell man was driving the Camry. He appeared distraught as he sat at the scene, in flip-flops, before police let him sit inside a cruiser to keep warm.
- No charges were immediately filed, but the crash remains under investigation. Police did not identify the driver or the woman since the investigation is still under way.
- Stevens Street was closed between Midland and Viola streets while police conducted accident reconstruction.
- The Camry appeared to have a smashed driver's-side headlight and a large spiderweb crack on the side of the windshield on the driver's side.
- Stevens Street remained closed in the area until about 9:40 p.m., when investigators finished photographing the scene and collecting evidence.

### **Alleyne attacks wife's stepfather in court**

By Norman Miller, The MetroWest Daily News, February 5, 2013

[http://www.metrowestdailynews.com/news/police\\_and\\_fire/x898125529/Alleyne-attacks-wifes-stepfather-in-court](http://www.metrowestdailynews.com/news/police_and_fire/x898125529/Alleyne-attacks-wifes-stepfather-in-court)

- WOBURN — Accused murderer Kyle Alleyne bolted across a courtroom in Middlesex Superior Court on Monday and tried to attack his wife's stepfather.
- Alleyne, accused of killing his teenage wife Heather Alleyne in Framingham on Aug. 4, 2010, sat briefly at the defendant's table before he ran across the courtroom, screamed at Norman Marcheterre and appeared to try to hit him.
- Heather Alleyne's older brother, Thomas Dvorznak Jr., began struggling with the screaming Alleyne while Marcheterre climbed over the bench to escape from Alleyne, who is approximately 30 years younger.
- Heather Alleyne's mother Virginia Marcheterre cowered in the corner crying and it appeared a victim-witness advocate who works for the Middlesex district attorney's office was stepped on and was limping after the fight.
- Court officers and two state troopers rushed over and grabbed Alleyne, dragging the struggling man from the courtroom.
- The jury was not in the room during the fracas.
- After a brief recess, Judge Peter Billings addressed a handcuffed and leg-shackled Kyle Alleyne.
- "It seems to me Mr. Alleyne has forfeited his right to be in the courtroom without leg irons," said Billings. "One more outburst, and he'll be watching his trial from the holding area with a video feed."
- Alleyne's lawyer, Michael Bourbeau said he did not want the jury to see his client cuffed and said more security would be sufficient.
- Bourbeau said that Alleyne, in preparing for the case over the weekend, read some paperwork that upset him.

- "This was a singular incident," said Bourbeau. "There is no excuse."
- Alleyne told Billings we would not have another outburst, adding, "I got it all out of my system."
- Prosecutor Joseph Gentile said this was not the first incident involving Alleyne. Earlier in the trial, one of Heather Alleyne's family members reported that he mouthed a curse word at them.
- During other hearings, Alleyne was seen mouthing swears at family members and sticking his middle fingers up at them.
- Bourbeau would not comment about the incident. Heather Alleyne's family would only say they were all right and did not discuss what occurred.
- In testimony on Monday, state Trooper Eric Mitza said he went to 1325 Worcester Road on Aug. 9, 2010, the night the 19-year-old mother of two was found dead in the apartment.
- He told the jury of 10 men and six women that he tested several items for fingerprints. He said the only identified fingerprint he found was on the cardboard tube inside a roll of packing tape that matched the kind used to wrap Heather Alleyne's body. He said it matched Kyle Alleyne's fingerprint.
- State Trooper Patrick Moynihan, who is assigned to the state medical examiner's office, described to the jury the process of unwrapping Heather Alleyne's body.
- Moynihan said they had to first take her body out of a blue sleeping bag, which covered everything other than Heather Alleyne's head.
- Underneath that was a blanket. Both were soaked with blood and had to be dried before they could be tested for evidence.
- "Once the blanket was removed, there were black trash bags that surrounded the whole body from shoulders to feet," he said.
- Also testifying on Monday was Michelle Proteau, an investigator with the state Department of Children and Families.
- She met with Alleyne on Aug. 6, 2010, after he was found drunk at the Best Western on Rte. 9 with his 1-year-old daughter Karlah.
- He said he had several shots of vodka, but did not feel like he was drunk, Proteau said. She said she asked where Heather Alleyne was, and Kyle Alleyne said they were having problems because she gave birth to someone else's child.
- "He told me she was probably out drugging," Proteau said.
- Alleyne's trial is scheduled to continue today.

### **Police: Three arrested after drug deal robbery in Marlborough**

By Kendall Hatch, The MetroWest Daily News, February 5, 2013

<http://www.metrowestdailynews.com/news/x898125486/Police-Three-arrested-after-drug-deal-robbery-in-Marlborough>

- MARLBOROUGH — Two Rhode Island men and a Framingham man were arrested Sunday night after police said they came to Marlborough to purchase \$2,000 worth of pot, but instead robbed their would-be dealers.
- Caleb Conrad Pemberton, 30, of 20 June St. Apt. C in Providence, R.I., Princeton Atkins, 20, of 226 Park Place Apt. 3 in Woonsocket, R.I., and Justin S. Laliberte, 22, of 48 Johnson St. in Framingham, were all released on personal recognizance during their arraignment in Marlborough District Court yesterday, according to court records.
- The three were all charged with larceny from a person, conspiracy to violate drug laws and possession of more than an ounce of marijuana, police said.
- According to a police report by Marlborough Officer James Gough, he was responding to a report of a disturbance on Beach Street, when he was flagged down by a man and a woman. Gough wrote that the woman told him her pocketbook had been stolen by a man who had run with two other men toward Williams Street.
- Gough wrote that police were able to find the pair by following footprints through the newly fallen snow to the Holiday Inn parking lot on Lakeside Avenue. Gough wrote that Pemberton matched the description given by the woman.
- Police found two pounds of marijuana and an air pistol on or near Pemberton, according to the report. Pemberton then admitted to police that he, Atkins and Laliberte had driven to Marlborough to conduct a drug deal, according to Gough's report.
- Pemberton said the agreement had been to trade the marijuana for \$2,000, but said he didn't have the cash and had no

intention of paying for the drugs. He said he grabbed a paper bag containing the marijuana from the woman and ran away.

- Pemberton said the air pistol had been tucked into the front of his pants, but said he never showed it, according to police.
- The man and woman who flagged down police had not been charged when police released arrest logs Monday morning.

### **Man charged with stabbing co-worker in Framingham hotel**

By Laura Krantz, The MetroWest Daily News, February 5, 2013

<http://www.metrowestdailynews.com/news/x898125478/Man-charged-with-stabbing-co-worker-in-Framingham-hotel>

- FRAMINGHAM — The police report about a stabbing that took place Saturday at the Sheraton Hotel in Framingham began like an old joke: Toledo, Toledo and Toledo are in a hotel room.
- But the report didn't end with a punch line. It finished with one man's face slashed and another in handcuffs. And no word what happened to Toledo number three.
- Police said the reportedly un-related men told them "a long night of drinking" began the chain of events that led to the arrest of Anthony Toledo, 31, of Philadelphia, Penn.
- Anthony, Terrance and Todd Toledo were staying in rooms 553 and 558 at the Sheraton Hotel at 1657 Worcester Road, police said, because they are workers for a New Mexico company called Keystone, hired to do installations at the hotel.
- In room 558 at around 1 a.m. Saturday, Terrance Toledo, 22, allegedly stabbed Anthony Toledo in the chest near his right armpit, creating a small puncture wound.
- Then Anthony Toledo angrily attacked Terrance, causing multiple lacerations to his face. Police found a small yellow knife in the hotel room with blood on it, the report said.
- "You know, I had to defend myself," Anthony Toledo told police at the time.
- After Anthony allegedly cut Terrance, co-worker Todd Toledo, 29, drove the injured man to the hospital.
- Anthony Toledo, was arrested Sunday at 2:15 p.m. at the Sheraton. He was arraigned in Framingham District Court Monday morning on a charge of assault with a dangerous weapon. Judge Robert Greco ordered him held on \$2,500 cash bail.
- In court Monday morning, both police and prosecutors said they did not know if the Toledos were related.
- Court-appointed defense attorney Donna Paruti said she asked her client if Terrance was his brother, to which she said Anthony responded "No!"
- "Why they have the same last name I have no idea," Paruti said.
- It is also unclear whether Toledo is from Pennsylvania or Mississippi. The Framingham police log lists his address as Philadelphia, Mississippi, but Paruti said her client said he is from Pennsylvania.
- Toledo told the judge he has only worked for Keystone for about a month and earns about \$200 a week for the work he has done, which he said is not full-time. Paruti said her client will continue to work at the Sheraton.
- Terrance and Todd Toledo are identified in the police report as being from New Mexico. Terrance gave a P.O. Box address from Cuba, New Mexico, according to the police report. Todd is listed with no address but a New Mexico drivers license number.
- Tom McKenney, general manager of the Sheraton, said guests and staff were not hurt in the incident. He confirmed that the men were working for a company called Keystone, doing installations in the building.



**Archived:** Tuesday, March 12, 2019 11:36:29 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Long, MaryBeth (NOR)  
**Subject:** RE: JP Stats  
**Sensitivity:** Normal

---

thanks



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

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**From:** Wechsler, Pamela (NOR)  
**Sent:** Tuesday, February 05, 2013 10:50 AM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR); Long, MaryBeth (NOR)  
**Subject:** JP Stats

Annie Dookhan cases as of Jan 23:

Pending District Court Cases	10
Pending District Court Cases Now Disposed	15
Special Session District Court Cases Now Active	14
Special Session District Court Cases Now Closed	8
Pending Superior Court Cases	14
Pending Superior Court Cases Now Disposed	15
Special Session Superior Court Cases Now Active	50
Special Session Superior Court Cases Now Closed	22
Defense Counsel Requests for Drug Certs	132
Signaling Possible Future Court Action	

In addition, the material that DPH sent us indicated that we will have to review between 5000o and 9,000 cases.

**Archived:** Tuesday, March 12, 2019 11:36:33 AM  
**From:** Maguire, Tara (DAA)  
**Sent:** Mon, 4 Feb 2013 20:46:30  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Supplemental Budget Amendment for District Attorneys  
**Sensitivity:** Normal

---

Thank you!!!

On Feb 4, 2013, at 8:23 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Last I talked to Rep. Linsky a few weeks ago, his position was that there was no way the Leg. was going to allow the \$ to be a pass through or overseen by A&F.  
I'll call him tomorrow.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, February 04, 2013 08:18 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Supplemental Budget Amendment for District Attorneys

If DAs are inclined to call their Representatives, it would be great if you could give a brief explanation of why DAs need a direct appropriation (instead of a share of the \$30M distributed by A&F, and ask for him or her to support the amendment. (I believe they could even sign on before Noon on Wednesday.). The budget will be taken up by the House on Wednesday afternoon.

On Feb 4, 2013, at 8:09 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Thanks Tara. Seemingly good news on the 9C and Lab supplemental.  
To be clear, what do you want our ask to be of our delegations? Thanks,  
Gerry

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, February 04, 2013 07:33 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Supplemental Budget Amendment for District Attorneys

To the DAs,

Attached please find the supplemental budget as released in the House today. The budget includes the Governor's 1% cuts, but greatly limits those agencies that can be cut. (For example, the Legislature, Higher Education, State Comptroller, etc. can be cut; the District Attorneys cannot.) See section 27.

In addition, the bill seeks to appropriate a \$30M fund for Hinton Lab costs which would be distributed by A&F. The attached amendment, filed by Chairman Linsky on behalf of the DAs, seeks to increase each DA Office directly by the original amount sought from the Governor last October. This money would be a direct appropriation, and not filtered through A&F.

I am told this supplemental seeks to address the costs associated with the Hinton Lab crisis. As

costs become more clear, you can seek the same for the Amherst Lab.

Please do not hesitate to call or email me with any questions. I'll forward the budget amendment number tomorrow when the amendment has been filed. Any calls to the Representatives in your district would be very helpful.

Thank you,  
Tara

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, February 04, 2013 7:15 PM  
**To:** [David.Linsky@mahouse.gov](mailto:David.Linsky@mahouse.gov); VanTassel, Alayna (HOU) ([alayna.vantassel@mahouse.gov](mailto:alayna.vantassel@mahouse.gov))  
**Cc:** OKeefe, Michael (CPI)  
**Subject:** Supplemental Budget Amendment for District Attorneys

Chairman Linsky and Alayna,

Attached please find an amendment to the House supplemental budget for the District Attorneys and MDAA representing the costs borne as a result of the Hinton Lab crisis. Below, please find a few talking points on the need for this funding.

Since the time the DAs were informed of the disaster, much of their legal and non-legal staff including senior prosecutors and DAs, have had their time monopolized this cannot continue indefinitely. In dealing with one crisis, we will only create another if we do not quickly and adequately resource prosecutor offices to ensure that the victims and cases that normally come before our offices receive appropriate care and attention. The District Attorneys and MDAA seeking **\$12,752,237** in supplemental funds to advance and preserve the interests of justice in cases compromised by the failures at the DPH Hinton Laboratory.

- The most effective and cost efficient means of addressing the mass influx of potentially compromised cases without jeopardizing the traditional cases is by creating new units at the Superior Court and District Court levels within our offices. This structure dovetails with the trial court's approach in establishing dedicated sessions.
- These costs represent the legal and non-legal salaries of employees working the new units, as well as the costs of case archive retrieval. While some of the costs are one-time, the salaries will need to be annualized for a short period of time that is, while these hires might indicate a very minor increase in our staffing in the short term due to the high rate of attrition prosecutor offices typically suffer, this increase will inevitably wash out and we will soon find ourselves back at our normal staffing levels, meaning that the resources we require will have been dedicated only to addressing this crisis.
- The DAs have borne the brunt of the work in cleaning up these cases; all drug-related cases must be retrieved and reviewed to determine if they were impacted. For those cases impacted, only experienced prosecutors can evaluate the case and determine how to proceed in the interest of justice. This case-by-case analysis is labor intensive and time consuming.
- The DAs have exercised every possible restraint in arriving at these budget figures. Even with the new staff, all prosecutors will see their caseloads and workloads increase significantly. For example, Suffolk County has a typical annual caseload of 40,000 criminal cases. It has now been burdened with an additional 23,000 cases related to chemist Annie Dookhan. The new unit will absorb a good portion of this work but other prosecutors and staff cannot possibly be insulated. By sheer necessity, they will continue to bear significant new responsibilities. This pattern is the same in each of the affected offices.
- At the DAs' request, MDAA is seeking supplemental funds for a database system to be

used by all DA offices to track the DPH cases (\$15,000), and a part time administrator assist in the coordination of DPH lab information (\$18,000).

The Governor's and most recent House proposal sets aside a pool of \$30 million under the Secretary of Administration and Finance. All affected state agencies and municipalities would be required to seek approval from the Secretary on a monthly basis to cover costs associated with the clean-up of the lab crisis. This raises a number of serious concerns for the District Attorneys:

- First, forcing entities to effectively compete for limited resources and leaving to Secretary of Administration and Finance final judgment creates too much uncertainty when what we need is clear prioritization and a predictable fiscal framework in which to manage this monumental task now and in the months ahead.
- Second, being forced to seek monthly reimbursements is completely at odds with how their offices are structured. The District Attorneys can't outsource our work, they do hire prosecutors as "temps", and they can't incur costs now and hope to be reimbursed later.

The District Attorneys' approach to this crisis is cost efficient and respects the unspoken intent of both the Governor and the Legislature that this crisis not be used by any of the affected entities to needlessly and permanently expand their agencies. The DAs sought only the minimum number of prosecutors they felt they needed to staff dedicated "crisis" units and then to replace the experienced personnel lost. In fact, even with these replacement hires, almost all of their other prosecutors will still experience an increase in their overall caseloads.

Chairman Linsky, thank you very much for sponsoring the DAs budget amendment; Alayna, thank you for your help in coordinating and filing the amendment. If you need any information or have any questions, please do not hesitate to call or email me. My direct line is [REDACTED].

Thanks again,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  
[REDACTED]

**Archived:** Tuesday, March 12, 2019 11:36:36 AM

**From:** Sullivan, David (NWD)

**Sent:** Mon, 4 Feb 2013 20:49:20

**To:** Maguire, Tara (DAA)

**Cc:** Mark G. Mastroanni; Capeless, David (BER); Bucci, Jeremy (NWD); Joseph Early (MID); OKeefe, Michael (CPI); Leone, Gerard (NOR); Sutter, Samuel (BRI); Blodgett, Jonathan (EAS); Cruz, Timothy (PLY); Dudkiewicz, Donna (NWD)

**Subject:** Re: Supplemental Budget Amendment for District Attorneys

**Sensitivity:** Normal

---

Thanks Tara. Great work on exuding 9C cuts. The easiest way for the Legislature to fund our western lab debacle would be to amend supplemental language by adding right after Hinton Lab " and Amherst State Laboratory" That way the \$115,000 appropriated for NWDA and amounts specifically for Berkshire, Hampden DAOs and other DAOs can legally be used to immediately handle all our Amherst cases.

Funding appropriations would remain the same but expand legitimate purposes.

Dave

On Feb 4, 2013, at 7:33 PM, "Maguire, Tara (DAA)" <TMaguire@MassMail.State.MA.US> wrote:

> To the DAs,

>

> Attached please find the supplemental budget as released in the House today. The budget includes the Governor's 1% cuts, but greatly limits those agencies that can be cut. (For example, the Legislature, Higher Education, State Comptroller, etc. can be cut; the District Attorneys cannot.) See section 27.

>

> In addition, the bill seeks to appropriate a \$30M fund for Hinton Lab costs which would be distributed by A&F. The attached amendment, filed by Chairman Linsky on behalf of the DAs, seeks to increase each DA Office directly by the original amount sought from the Governor last October. This money would be a direct appropriation, and not filtered through A&F.

>

> I am told this supplemental seeks to address the costs associated with the Hinton Lab crisis. As costs become more clear, you can seek the same for the Amherst Lab.

>

> Please do not hesitate to call or email me with any questions. I'll forward the budget amendment number tomorrow when the amendment has been filed. Any calls to the Representatives in your district would be very helpful.

>

> Thank you,

> Tara

>

> From: Maguire, Tara (DAA)

> Sent: Monday, February 04, 2013 7:15 PM

> To: David.Linsky@mahouse.gov; VanTassel, Alayna (HOU) (alayna.vantassel@mahouse.gov)

> Cc: OKeefe, Michael (CPI)

> Subject: Supplemental Budget Amendment for District Attorneys

>

> Chairman Linsky and Alayna,

>

> Attached please find an amendment to the House supplemental budget for the District Attorneys and MDAA representing the costs borne as a result of the Hinton Lab crisis. Below, please find a few talking points on

the need for this funding.

>

>

> Since the time the DAs were informed of the disaster, much of their legal and non-legal staff, including senior prosecutors and DAs, have had their time monopolized; this cannot continue indefinitely. In dealing with one crisis, we will only create another if we do not quickly and adequately resource prosecutor offices to ensure that the victims and cases that normally come before our offices receive appropriate care and attention. The District Attorneys and MDAA are seeking \$12,752,237 in supplemental funds to advance and preserve the interests of justice in cases compromised by the failures at the DPH Hinton Laboratory.

>

> • The most effective and cost efficient means of addressing the mass influx of potentially compromised cases without jeopardizing the traditional cases is by creating new units at the Superior Court and District Court levels within our offices. This structure dovetails with the trial court's approach in establishing dedicated sessions.

>

> • These costs represent the legal and non-legal salaries of employees working the new units, as well as the costs of case archive retrieval. While some of the costs are one-time, the salaries will need to be annualized for a short period of time; that is, while these hires might indicate a very minor increase in our staffing in the short term, due to the high rate of attrition prosecutor offices typically suffer, this increase will inevitably wash out and we will soon find ourselves back at our normal staffing levels, meaning that the resources we require will have been dedicated only to addressing this crisis.

>

> • The DAs have borne the brunt of the work in cleaning up these cases; all drug-related cases must be retrieved and reviewed to determine if they were impacted. For those cases impacted, only experienced prosecutors can evaluate the case and determine how to proceed in the interest of justice. This case-by-case analysis is labor intensive and time consuming.

>

> • The DAs have exercised every possible restraint in arriving at these budget figures. Even with the new staff, all prosecutors will see their caseloads and workloads increase significantly. For example, Suffolk County has a typical annual caseload of 40,000 criminal cases. It has now been burdened with an additional 23,000 cases related to chemist Annie Dookhan. The new unit will absorb a good portion of this work, but other prosecutors and staff cannot possibly be insulated. By sheer necessity, they will continue to bear significant new responsibilities. This pattern is the same in each of the affected offices.

>

> • At the DAs' request, MDAA is seeking supplemental funds for a database system to be used by all DA offices to track the DPH cases (\$15,000), and a part time administrator to assist in the coordination of DPH lab information (\$18,000).

> The Governor's and most recent House proposal sets aside a pool of \$30 million under the Secretary of Administration and Finance. All affected state agencies and municipalities would be required to seek approval from the Secretary on a monthly basis to cover costs associated with the clean-up of the lab crisis. This raises a number of serious concerns for the District Attorneys:

>

> • First, forcing entities to effectively compete for limited resources and leaving to the Secretary of Administration and Finance final judgment creates too much uncertainty when what we need is clear prioritization and a predictable fiscal framework in which to manage this monumental task now and in the months ahead.

>

> • Second, being forced to seek monthly reimbursements is completely at odds with how their offices are structured. The District Attorneys can't outsource our work, they don't hire prosecutors as "temps", and they can't incur costs now and hope to be reimbursed later.

> The District Attorneys' approach to this crisis is cost efficient and respects the unspoken intent of both the Governor and the Legislature that this crisis not be used by any of the affected entities to needlessly and permanently expand their agencies. The DAs sought only the minimum number of prosecutors they felt they needed to staff dedicated "crisis" units and then to replace the experienced personnel lost. In fact, even with these replacement hires, almost all of their other prosecutors will still experience an increase in their overall caseloads.

>

> Chairman Linsky, thank you very much for sponsoring the DAs budget amendment; Alayna, thank you for your help in coordinating and filing the amendment. If you need any information or have any questions, please do not hesitate to call or email me. My direct line is [REDACTED].

> Thanks again,

> Tara

>

> Tara Maguire

> Executive Director

> Massachusetts District Attorneys Association

> 1 Bulfinch Place, # 202

> Boston, MA 02114

> [REDACTED]

>

> <District Attorney amendment to HB 55- Supplemental Budget.doc>

> <HB 55 - JP Lab Supplemental as released in House 2-4-13.pdf>

**Archived:** Tuesday, March 12, 2019 11:36:44 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: SW&M Question and DA Conference Call  
**Sensitivity:** Normal

---

Thanks

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Wednesday, February 06, 2013 04:24 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR)  
**Subject:** RE: SW&M Question and DA Conference Call

I will get the info from Pat. And yes I can do the call with you.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, February 06, 2013 4:20 PM  
**To:** Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)  
**Subject:** Fw: SW&M Question and DA Conference Call  
**Importance:** High

Let's pull this requested data together asap please.  
Pam, are you available to do the con call (with me)?

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, February 06, 2013 04:15 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** SW&M Question and DA Conference Call

To the DAs,

Senate Ways and Means has asked me for updated cost information on the Hinton Lab cases. Specifically, they want to know what you have spent so far in FY13 and what you project to spend for the remainder of the fiscal year. (Although they have not asked, I could also include Amherst Lab spending, with a note explaining such.) **They have asked me for a reply by Friday.**

DA O'Keefe has asked for a brief conference call **Friday morning (February 8<sup>th</sup>) at 11 AM** to discuss this issue for sake in consistency in reporting. Please let me know if you are available to attend.

Thank you,  
Tara



**Archived:** Tuesday, March 12, 2019 11:36:46 AM  
**From:** Sullivan, David (NWD)  
**Sent:** Wed, 6 Feb 2013 16:27:18  
**To:** Maguire, Tara (DAA)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** RE: SW&M Question and DA Conference Call  
**Sensitivity:** Normal

---

Hi Tara: I will join in on the conference call on Friday morning. We have dealt with full review of any potential Hinton Drug Lab cases within our current DA budget so have no additional spending on these cases.

I made the request to Senator Brewer's budget staffer, Chris Bennett, to include the language "and Amherst State Laboratory" to allow impacted DA offices to also use supplemental funds for this purpose, as well as Hinton. The Office of Senate Majority Leader Stan Rosenberg has also been contacted about the need for this language. Also a request to include the language "prior appropriation continued" so supplemental funds appropriated this fiscal year can be carried forward in FY 14. Hopefully, the proposed \$115,000.00 for NWDA should be able to cover us for the Amherst Lab debacle. Thanks, Dave

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, February 06, 2013 4:15 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** SW&M Question and DA Conference Call  
**Importance:** High

To the DAs,

Senate Ways and Means has asked me for updated cost information on the Hinton Lab cases. Specifically, they want to know what you have spent so far in FY13 and what you project to spend for the remainder of the fiscal year. (Although they have not asked, I could also include Amherst Lab spending, with a note explaining such.) **They have asked me for a reply by Friday.**

DA O'Keefe has asked for a brief conference call **Friday morning (February 8<sup>th</sup>) at 11 AM** to discuss this issue for sake in consistency in reporting. Please let me know if you are available to attend.

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 11:36:50 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** SW&M Question and DA Conference Call  
**Sensitivity:** Normal

---

Tara,  
Pam Wechsler and I will be on the call.  
Thank you.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, February 06, 2013 04:15 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** SW&M Question and DA Conference Call

To the DAs,

Senate Ways and Means has asked me for updated cost information on the Hinton Lab cases. Specifically, they want to know what you have spent so far in FY13 and what you project to spend for the remainder of the fiscal year. (Although they have not asked, I could also include Amherst Lab spending, with a note explaining such.) **They have asked me for a reply by Friday.**

DA O'Keefe has asked for a brief conference call **Friday morning (February 8<sup>th</sup>) at 11 AM** to discuss this issue for sake in consistency in reporting. Please let me know if you are available to attend.

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 11:36:59 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: Dookhan Memo  
**Sensitivity:** Normal

---

Thanks understood.

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Wednesday, February 06, 2013 06:01 PM  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Cc:** 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>  
**Subject:** RE: Dookhan Memo

Yes to drug cases only, but broader than situations where Dookhan would be a relevant and material witness. We have concerns about the lab at large that are outlined in the memo. Given what we now have via discovery, and the potentially broad scope of Dookhan's corruption of lab samples and the lab process, I'm not sure we can stand by any determinations of the lab from 2003-2012. The concern is that Dookhan could have handled any case during that time period and corrupted it, but there's no way to trace whether or not she touched it.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, February 06, 2013 5:57 PM  
**To:** Wechsler, Pamela (NOR)  
**Cc:** Ellis, Sarah (NOR); 'gerard.leone@state.ma.us'  
**Subject:** Dookhan Memo

Haven't opened the attached yet - but I assume you mean by way of baseline - all those cases which are drugs only, where Dookhan would be a relevant and material witness if called by either side, and there are no extraordinary factors which would tend towards litigating the Dookhan related issues in a cost v. Benefit analysis.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Wednesday, February 06, 2013 05:06 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** Dookhan Memo

Gerry, attached please find a memo outlining our recommendation on the JP Drug Lab cases. In short, we recommend that we NP all drug charges, where the drugs were tested at the JP Lab between 2003 and 2012. We are available to discuss at your convenience. Thanks.

**Archived:** Tuesday, March 12, 2019 11:37:06 AM  
**From:** Wechsler, Pamela (NOR)  
**Sent:** Thu, 7 Feb 2013 15:23:51  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: Confirmation of tomorrow's conference call  
**Sensitivity:** Normal

---

Bottom line on our numbers:

To date we estimate personnel costs related to Dookhan: \$112, 945

Projected expense through the end of FY 13: \$153, 713

Total this year: \$266,658

I have the breakdowns if you'd like to see them.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, February 07, 2013 2:45 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Wechsler, Pamela (NOR); McNally, Mary (WES)  
**Subject:** Confirmation of tomorrow's conference call

**To participate in tomorrow's conference call at 11 AM, please call:**

**Dial in: 781.897.8888**  
**Access Code: 0110642**

**Thank you,**  
**Tara**

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, February 06, 2013 4:15 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** SW&M Question and DA Conference Call  
**Importance:** High

To the DAs,

Senate Ways and Means has asked me for updated cost information on the Hinton Lab cases. Specifically, they want to know what you have spent so far in FY13 and what you project to spend for the remainder of the fiscal year. (Although they have not asked, I could also include Amherst Lab spending, with a note explaining such.) **They have asked me for a reply by Friday.**

DA O'Keefe has asked for a brief conference call **Friday morning (February 8<sup>th</sup>) at 11 AM** to discuss this issue for sake in consistency in reporting. Please let me know if you are available to attend.

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 11:37:08 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA)  
**Subject:** RE: Confirmation of tomorrow's conference call  
**Sensitivity:** Normal

---

thank you Tara



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, February 07, 2013 2:45 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Wechsler, Pamela (NOR); McNally, Mary (WES)  
**Subject:** Confirmation of tomorrow's conference call

**To participate in tomorrow's conference call at 11 AM, please call:**

**Dial in: 781.897.8888**  
**Access Code: 0110642**

**Thank you,**  
**Tara**

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, February 06, 2013 4:15 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** SW&M Question and DA Conference Call  
**Importance:** High

To the DAs,

Senate Ways and Means has asked me for updated cost information on the Hinton Lab cases. Specifically, they want to know what you have spent so far in FY13 and what you project to spend for the remainder of the fiscal year. (Although they have not asked, I could also include Amherst Lab spending, with a note explaining such.) **They have asked me for a reply by Friday.**

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Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 11:37:30 AM  
**From:** Leone, Gerard (NOR)  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF)  
**Subject:** RE: Supplemental Budget Update  
**Sensitivity:** Normal

---

I'm sorry bad choice of words to say "set aside".  
I meant in the end, I would imagine A&F has to decide what portion of the \$30M. will go to those it is intended for, including the DAs.  
I was wondering what that process would look like, if we know.  
But it sounds like there will be a month by month "application process".



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

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**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, February 07, 2013 3:58 PM  
**To:** Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF)  
**Subject:** RE: Supplemental Budget Update

Unfortunately, I do not believe any percentage of the \$30M will be set aside for the DAs. As it stands, any agency who has spent money on the Hinton Lab could apply monthly to obtain a portion of the fund. This leaves A&F with the authority to prioritize those requests.

That said, Senate Ways and Means has asked specifically what the District Attorneys have already spent on the Hinton Lab, and what they anticipate spending through June 30<sup>th</sup>. (This is the topic of discussion on tomorrow's conference call, and my response is due to SW&M tomorrow.) We have the opportunity to ask the Senate to earmark the \$30M (or directly appropriate to DA line items), as we did in the House.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, February 07, 2013 3:45 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF)  
**Subject:** RE: Supplemental Budget Update

Thank you Tara for your work on this on the Hill.  
Do we have any idea what the formula might be to decide what percentage of the \$30M. will be set aside for the DAs, and how that apportionment will be done?  
We then will need to decide how we want to apportion the set aside \$ amongst ourselves by way of percentages amongst us.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)



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---


**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, February 07, 2013 12:55 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF)  
**Subject:** Supplemental Budget Update

DAs,

As you know the House Supplemental Budget passed the House last night. The DAs' amendment did not pass. I am told that one of the reasons is that House Leadership was afraid if our earmark passed, other public safety entities would seek to do the same. HW&M is fully aware that the \$30M allotted to A&F in the House budget is only a small portion of the actual costs of the Hinton Lab Crisis.

I anticipate the Senate will take up the Supplemental next week.

Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  


**Archived:** Tuesday, March 12, 2019 11:37:46 AM  
**From:** Leone, Gerard (NOR)  
**Sent:** Thu, 7 Feb 2013 16:53:05  
**To:** Wechsler, Pamela (NOR); Mahon, Patrick (NOR)  
**Cc:** Ellis, Sarah (NOR); Pelgro, Michael (NOR); Leone, Gerard (NOR)  
**Subject:** RE: JP LAB: Supplemental Budget Update  
**Sensitivity:** Normal

---

thanks.

\$272,178 is way above what we submitted through MDAA to the Legislature for, which was (\$165K+ June 30th//\$331K annualized), and would project out to be way more as annualized (\$545 K+). The numbers that were provided to me yesterday in Pre Exec in anticipation of interviews today were \$135K and where I responded to a question with those lower numbers.  
??



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Thursday, February 07, 2013 4:42 PM  
**To:** Leone, Gerard (NOR); Mahon, Patrick (NOR)  
**Subject:** RE: JP LAB: Supplemental Budget Update

Already spent: \$115, 641  
Anticipate an additional \$156, 537 from now until June 30  
So that's a total of \$272,178 for this fiscal year

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, February 07, 2013 4:24 PM  
**To:** Wechsler, Pamela (NOR); Mahon, Patrick (NOR); Leone, Gerard (NOR)  
**Subject:** JP LAB: Supplemental Budget Update

See below.  
Pam/Pat, Pam and I will need what I redlined below for the con call tomorrow.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Conley, Daniel (SUF)



**Sent:** Thursday, February 07, 2013 4:21 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF); Petruzzello, Luciano (SUF)  
**Subject:** RE: Supplemental Budget Update

My CFO will momentarily send you and your CFO's our proposed response to SWM. The dollar amount we have spent thus far addressing the Hinton Lab breach, and our projections for what's needed through June 30<sup>th</sup>, is significantly less than the \$4.1M we projected several months ago. Please review the document and consider working off our number as you prepare your own projections. As an alternate approach to filing another amendment in the Senate, I wonder if a meeting with Sen. President Murray and/or Sen. Brewer where we attempt to make our case for a direct appropriation is in order. Michael and I can make that attempt next week if you believe doing so is advisable.

Thanks and batten down the hatches for an apparently epic storm!

Dan C

---

**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, February 07, 2013 3:58 PM  
**To:** Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF)  
**Subject:** RE: Supplemental Budget Update

Unfortunately, I do not believe any percentage of the \$30M will be set aside for the DAs. As it stands, any agency who has spent money on the Hinton Lab could apply monthly to obtain a portion of the fund. This leaves A&F with the authority to prioritize those requests.

That said, **Senate Ways and Means has asked specifically what the District Attorneys have already spent on the Hinton Lab, and what they anticipate spending through June 30<sup>th</sup>. (This is the topic of discussion on tomorrow's conference call, and my response is due to SW&M tomorrow.)** We have the opportunity to ask the Senate to earmark the \$30M (or directly appropriate to DA line items), as we did in the House.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, February 07, 2013 3:45 PM  
**To:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF)  
**Subject:** RE: Supplemental Budget Update

Thank you Tara for your work on this on the Hill.

Do we have any idea what the formula might be to decide what percentage of the \$30M. will be set aside for the DAs, and how that apportionment will be done?

We then will need to decide how we want to apportion the set aside \$ amongst ourselves by way of percentages amongst us.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[Redacted] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, February 07, 2013 12:55 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Towle, John (SUF)  
**Subject:** Supplemental Budget Update

DAs,

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I anticipate the Senate will take up the Supplemental next week.

Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  


**Archived:** Tuesday, March 12, 2019 11:37:54 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Mahon, Patrick (NOR)  
**Subject:** Fw: SW&M Question and DA Conference Call  
**Sensitivity:** Normal

---

Fyi

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Friday, February 08, 2013 09:44 AM  
**To:** Maguire, Tara (DAA)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: SW&M Question and DA Conference Call

Cape and Islands has spent about 39800 dollars to date . We expect to spend approximately 70000 for the rest of the fiscal year . This totals over 148,000 for FY 13. And represents approximately 20 % of our original ask .

Sent from my iPhone

On Feb 6, 2013, at 4:15 PM, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

To the DAs,

Senate Ways and Means has asked me for updated cost information on the Hinton Lab cases. Specifically, they want to know what you have spent so far in FY13 and what you project to spend for the remainder of the fiscal year. (Although they have not asked, I could also include Amherst Lab spending, with a note explaining such.)  
**They have asked me for a reply by Friday.**

DA O'Keefe has asked for a brief conference call **Friday morning (February 8<sup>th</sup>) at 11 AM** to discuss this issue for sake in consistency in reporting. Please let me know if you are available to attend.

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 11:38:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Long, MaryBeth (NOR)  
**Subject:** Re: JP Lab  
**Sensitivity:** Normal

---

Not a bad thing.

----- Original Message -----

From: Long, MaryBeth (NOR)  
Sent: Friday, February 08, 2013 09:04 AM  
To: Leone, Gerard (NOR)  
Subject: RE: JP Lab

She must have called him before she emailed me and realized she had info incorrect

Also, just checked wbur website and it doesn't appear she posted the article/reference (to your JP lab comments) yet

-----Original Message-----

From: Leone, Gerard (DAA) [<mailto:gerry.leone@massmail.state.ma.us>]  
Sent: Friday, February 08, 2013 8:58 AM  
To: Long, MaryBeth (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pogue, Anne (NOR)  
Cc: Leone, Gerard (NOR)  
Subject: JP Lab

As a result of my interview yesterday, Head of CPCS, Anthony Benedetti called me. The interviewer called him and told him the MDAO was going to start NP'ing non Dookhan JP Lab cases next week due to a failure of the three P's at the lab - a significant development.

I tempered it and qualified it with Anthony, telling him it is a serious consideration and that we are communicating with the IGO before we do anything.

I don't mind being the lead on this, but let's get this right!

Thanks

**Archived:** Tuesday, March 12, 2019 11:38:05 AM

**From:** Leone, Gerard (NOR)

**To:** Cunha, Glenn (IGO)

**Cc:** 'gerard.leone@state.ma.us'

**Subject:** Fw: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

**Sensitivity:** Normal

---

Glenn, FYI.

Call me if you want to talk.

Gerry

[REDACTED]

Thanks

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@massmail.state.ma.us]

**Sent:** Friday, February 08, 2013 12:33 PM

**To:** 'MSegal@aclum.org' <MSegal@aclum.org>

**Cc:** 'bdougan@famm.org' <bdougan@famm.org>; 'CRose@aclum.org' <CRose@aclum.org>; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Leone, Gerard (NOR); Long, MaryBeth (NOR)

**Subject:** JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Matt,

We at the MDAO continue to conduct a comprehensive and contemplative assessment of the issues surrounding the Hinton Drug Lab in J.P., balancing a proper approach to making good factual/legal decisions in these matters on behalf of the public who we protect and serve, with the interests of those charged with crimes where the Hinton Lab professionals are witnesses and the larger aims of justice and fairness within the CJS.

Based on the information, discovery and materials we have been provided to date from the DPH; what we are understand to be interviews and admissions of the DPH staff; the MSP who were assigned through EOPSS; and the MA AGO; we have questions and concerns about practices, protocols and policies within the Lab between 2003-2012 which may impact our ability to pursue cases under the very high burdens of proof and persuasion within the CJS.

Therefore we continue to consider the nature and scope of the allegations against Chemist Dookhan, the basis for those allegations that have been provided to us, the information that we have received about the Lab beyond just Chemist Dookhan, and the nature of informational disclosures that have been made to us from the aforementioned agencies in our ongoing consideration of how to deal with these cases.

We are however, awaiting whether there is further information from the pending IGO investigation that we will need to consider before making decisions around resolving the cases in question with a level of finality. Towards that end, I expect to have related communication with the IG next week, providing him what we understand to be the present state of information regarding these matters, and asking for any updates.

Gerry

---

**From:** Matt Segal [mailto:MSegal@aclum.org]

**Sent:** Friday, February 08, 2013 12:11 PM

**To:** Leone, Gerard (NOR)

**Cc:** 'bdougan@famm.org' <bdougan@famm.org>; Carol Rose <CRose@aclum.org>; Ramasci, Michelle (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

**Subject:** RE: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Hello Gerry,

I'm writing to follow up on our October 2012 correspondence about the drug lab scandal. I have subsequently

heard some encouraging news about how your office is handling cases, including this [story](#) at WBUR.

I wonder if you might be willing to share more information about your office's thinking about and approach to these cases. It seems possible that we at the ACLU might be able to send some praise your way, but first I'd like to be sure that I correctly understand the situation.

Best regards, and good luck with the blizzard.

Matt

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts  
211 Congress Street  
Boston, MA 02110  
Tel: [REDACTED]  
Web: [www.aclum.org](http://www.aclum.org)

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]

**Sent:** Thursday, October 11, 2012 4:32 PM

**To:** Matt Segal

**Cc:** 'bdougan@famm.org'; Carol Rose; Ramasci, Michelle (DAA); Ellis, Sarah (DAA); Walker, Jodi (DAA); Ryan, Marian (DAA); Wechsler, Pamela (DAA); Pelgro, Michael (DAA); Leone, Gerard (DAA)

**Subject:** Re: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Agreed Matt.

Heightened systemic effectiveness should be a goal of all in and served by the CJS.

Thanks.

Gerry

**Archived:** Tuesday, March 12, 2019 11:38:10 AM  
**From:** Leone, Gerard (NOR)  
**To:** Leone, Gerard (NOR)  
**Subject:** JP Lab  
**Sensitivity:** Normal

---

-----Original Message-----

From: Leone, Gerard (DAA) [<mailto:gerry.leone@massmail.state.ma.us>]  
Sent: Friday, February 08, 2013 9:14 AM  
To: Wechsler, Pamela (NOR); Long, MaryBeth (NOR); Ellis, Sarah (NOR); Pogue, Anne (NOR)  
Cc: Leone, Gerard (NOR)  
Subject: Re: JP Lab

We need to make sure that we have summarized in our internal memo is accurate and serves as a strong basis for what we are doing - considering the failures of the entire Lab and not just Dookhan - as this will now push the entire legal community in the same direction.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Friday, February 08, 2013 08:59 AM  
To: Leone, Gerard (NOR); 'MaryBeth.Long@state.ma.us' <MaryBeth.Long@state.ma.us>; Ellis, Sarah (NOR); Pogue, Anne (NOR)  
Cc: 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>  
Subject: Re: JP Lab

Sarah and I are working on the communication to the OIG.

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Friday, February 08, 2013 08:57 AM  
To: 'MaryBeth.Long@state.ma.us' <MaryBeth.Long@state.ma.us>; Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pogue, Anne (NOR)  
Cc: 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>  
Subject: JP Lab

As a result of my interview yesterday, Head of CPCS, Anthony Benedetti called me. The interviewer called him and told him the MDAO was going to start NP'ing non Dookhan JP Lab cases next week due to a failure of the three P's at the lab - a significant development.

I tempered it and qualified it with Anthony, telling him it is a serious consideration and that we are communicating with the IGO before we do anything.

I don't mind being the lead on this, but let's get this right!

Thanks

**Archived:** Tuesday, March 12, 2019 11:38:12 AM

**From:** Leone, Gerard (NOR)

**To:** Leone, Gerard (NOR); Long, MaryBeth (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** Pogue, Anne (NOR); Ryan, Marian (NOR)

**Subject:** JP Lab

**Sensitivity:** Normal

---

We are exhibiting leadership here, we just want to make sure we have it right. The IG communication from us, coupled with our own redoubling back on what we have learned and are relying upon in our policy formation, will do that.

-----Original Message-----

From: Leone, Gerard (DAA) [<mailto:gerry.leone@massmail.state.ma.us>]

Sent: Friday, February 08, 2013 8:58 AM

To: Long, MaryBeth (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pogue, Anne (NOR)

Cc: Leone, Gerard (NOR)

Subject: JP Lab

As a result of my interview yesterday, Head of CPCS, Anthony Benedetti called me. The interviewer called him and told him the MDAO was going to start NP'ing non Dookhan JP Lab cases next week due to a failure of the three P's at the lab - a significant development.

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Thanks



**Archived:** Tuesday, March 12, 2019 11:38:17 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Re: SW&M Question and DA Conference Call  
**Sensitivity:** Normal

---

True

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Friday, February 08, 2013 09:46 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: SW&M Question and DA Conference Call

Not enough:)

Sent from my iPhone

On Feb 8, 2013, at 9:45 AM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

How much on greens fees?

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Friday, February 08, 2013 09:44 AM  
**To:** Maguire, Tara (DAA)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: SW&M Question and DA Conference Call

Cape and Islands has spent about 39800 dollars to date . We expect to spend approximately 70000 for the rest of the fiscal year . This totals over 148,000 for FY 13. And represents approximately 20 % of our original ask .

Sent from my iPhone

On Feb 6, 2013, at 4:15 PM, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

To the DAs,

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DA O'Keefe has asked for a brief conference call **Friday morning (February 8<sup>th</sup>) at 11 AM** to discuss this issue for sake in consistency in reporting. Please let me know if you are available to attend.

Thank you,  
Tara

**Archived:** Tuesday, March 12, 2019 11:38:21 AM

**From:** Leone, Gerard (NOR)

**To:** Leone, Gerard (NOR)

**Subject:** JP Drug Lab on NECN

**Sensitivity:** Normal

---

---

**From:** Long, MaryBeth (NOR)

**Sent:** Wednesday, February 06, 2013 10:28 AM

**To:** Leone, Gerard (NOR)

**Subject:** NECN 2-5-13

Hi Gerry,

Here is a link to Ally Donnelly's drug lab piece. I will ask Carl to make a DVD copy as well.

thanks, MaryBeth

<http://www.necn.com/02/05/13/Back-on-the-street/landing.html?blockID=829309&feedID=11106>

- (NECN: Ally Donnelly) - Juan Irene is a convicted child rapist who Boston police say helped sell heroin in a school zone.
- David Huffman has a rap sheet 19 pages long. He was serving seven to 10 years after pleading guilty to gun charges and dealing heroin and cocaine.
- Damien Beverly's record dates back a decade. Most recently, he was convicted of selling heroin to undercover police officers.
- Breaking and entering, assault and battery, distribution. Morphine, Crack, marijuana, Oxy - All of these men were once behind bars, and now all of these men are back on the streets in one of the biggest scandals in state history.
- Showing us his GPS-monitoring bracelet outside a Suffolk Superior courtroom, Anthony Nunez said, "A big smile -- that's it."
- A big smile, that was the 21 year old's reaction when he learned he had joined the ranks of the so-called Dookhan defendants. He is one of more than 286 men and women who have had their cell doors swung open in the last five months because former state chemist Annie Dookhan may have faked the drug test results that put them behind bars.
- Nunez was sentenced to two a half years for dealing crack in a school zone in Boston's Dorchester neighborhood. He did a year at MCI-Norfolk and got out in October.
- "It's like a bunch of alpha males trying to make a living," he said. "That's all it is. You come out kind of messed up in the head -- a little cuckoo."
- And 286 accused and convicted felons back on the street is the tip of the iceberg. State officials say at least 1,150 convictions are at risk as investigators continue to comb through the 34,000 criminal cases they've tied to Dookhan. The defendants are heading back to Chelsea, Chatham, Quincy, Dedham, Lowell -- almost every county in the Commonwealth.
- "These defendants are pretty serious criminals. Not a single defendant - not one - in Suffolk County was a first time offender," Suffolk County District Attorney Dan Conley said. "On one given day, there were 16 defendants brought before the court. They were responsible for, I think, 68 gun violations. And like 100 drug violations."
- Though hundreds have been freed, most defendants have not been exonerated. The state called judges and clerks out of retirement to man special drug courts created to handle the Dookhan cases. Bails have been reduced, probation ordered, sentences "stayed" -- the cases put on pause -- while the state tries to figure out how -- or even if -- they can retry them.
- Last week, 40-year-old David Santos walked in to Middlesex Superior Court in Woburn a convicted drug dealer. Thirty minutes later, he walked out with no criminal record whatsoever. Standing with his wife outside their Hudson, Mass. home he said, "It feels good, you know, back home with my family."

- In 2008, Santos was sentenced to 15 years for dealing cocaine, which he allegedly told police he had cut with rat poison. He had served two years at MCI-Concord when his sentence was stayed and he was released in October. A first-time offender, he came back to court seeking a new trial, but prosecutors were forced to admit Annie Dookhan was their star witness, and they didn't have enough other evidence to take another run at him.
- We asked him, "People say, you're a drug dealer, you should not be out on the street. What do you say?"
- Waiting for his daughters to get home from school, he laughed and said, "They can think whatever they want, you know?"
- Middlesex District Attorney Gerry Leone says they've tried hard to keep these defendants behind bars, but upholding the law is critical.
- "We can't prove these cases beyond a reasonable doubt," he said in his Woburn office. "And, at that point, we have to make very frustrating, very disconcerting decisions."
- Randy Gioia is with the Committee for Public Counsel Services, the agency in charge of public defenders.
- "Are they going to re-prosecute every case? Are they going to fight every case? Because if they do that, it's going to take years and it's going to take hundreds of millions of dollars to resolve," Gioia said.
- Gioia says the DAs should stop dragging their feet on releasing defendants and that the remaining 864 cases of people still incarcerated should be processed quickly. He says the defendants should be given new trials as soon as possible and than many should have their cases dismissed in bulk.
- "These are people who need help, these are people that use drugs," Gioia said. "I don't agree with the notion that dangerous criminals are being released from prison. That's just, I think, spreading fear where fear doesn't have to be spread."
- Suffolk County has seen the highest number of defendants. Boston Police Commissioner Ed Davis says communities should brace for increased violence, particularly when the weather warms. He says drug dealing comes with all sorts of ancillary crimes, such as assault and battery and armed home invasions. He points to the horrific murders in Mattapan where four people, including a toddler, were gunned down over drug money.
- "There is big money that's involved with drug dealing and so when you get people who have been in prison for a long time, who come out on the street, that's an option for them to get the money that they need to live, if they don't get a job, if they don't take the proper route," Commissioner Davis said.
- To that end, officials say police and Department of Correction staff sit down with every Dookhan defendant before release and talk to them about programs available -- rehab, job training, emergency housing -- whatever might keep them from going back inside.
- After spending six months in jail for possession, convicted armed robber Jeremy Taylor hopes for a fresh start to clean up his act and help raise his infant daughter. After a hearing before a judge in Suffolk drug court, he said, "I just want to move on from this and hope that anyone else who experience this again, maybe they can get a chance, maybe they can get help, maybe they can get rehab treatment instead of jail."
- We asked convicted crack dealer Anthony Nunez, "For people to hear all of these people come out of jail and prison and say I'm going to get on the right track. You didn't have a job. You still don't have a job. You say you want to get on the straight and narrow. Why should we believe you?"
- Casual and friendly, he says, "I don't know. Just wait and see. Who knows?"
- Police say they have been waiting and seeing. Though officials insist they don't track numbers statewide, Conley says in Suffolk County alone, 15 defendants, or about 10 percent of those released, have already re-offended and are back in custody. Convicted rapist and accused drug dealer Marcus Pixley is back behind bars after violating parole. Sex offender and alleged heroin dealer Luis Quiles was re-arrested for allegedly robbing a department store. Police say convict Arthur Cole went right back to dealing cocaine and heroin with his girlfriend just weeks after being released in December.
- "If they do go back to a life of crime, we are going to be there and we are going to arrest them and it's going to happen promptly," Commissioner Davis warned.
- Davis has put more cops on the beat. The DAs have hired extra lawyers. There are costs for judges and clerks and litigation. Experts estimate this scandal could cost the state anywhere from \$30 million to \$300 million. Or, says dealer Anthony Nunez, perhaps more.
- "They better get ready to pay up," he said. "There's a lot of lawsuits coming. They want their money."
- We ask if he plans to sue the state.

- "I want some money," he chuckles. "Pain and suffering."

**Archived:** Tuesday, March 12, 2019 11:38:26 AM

**From:** Leone, Gerard (NOR)

**To:** Long, MaryBeth (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Subject:** Re: WBUR 2-8-13, GTL interview

**Sensitivity:** Normal

---

Next step - MDAO letter to IGO.

IG and I traded vm's today. To talk Monday.

---

**From:** Long, MaryBeth (NOR)

**Sent:** Friday, February 08, 2013 07:20 PM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Subject:** WBUR 2-8-13, GTL interview

### **DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed**

**By Deborah Becker, WBUR, February 8, 2013**

<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>

- BOSTON — At least one Massachusetts district attorney expects to decide next week whether to dismiss a wider range of cases where drug evidence was tested at the now-closed Hinton lab in Jamaica Plain.
- Middlesex District Attorney Gerald Leone says preliminary information from his team assessing drug lab cases shows that prosecutors may have to dismiss more cases, beyond those that relied on testing from former chemist Annie Dookhan.
- "As we've been provided more information about what happened at the lab, we've moved away from this being one rogue chemist to a lab that had insufficient practices, policies and protocols to an extent that leads us to believe there are going to be more cases compromised than just the ones signed off on by Annie Dookhan," he said.
- Dookhan has been charged with manipulating drug tests at the lab, potentially compromising 34,000 criminal cases where she was the chemist involved in the testing. Amid several investigations into Dookhan's tenure at the lab from 2003 to 2012, Leone says all of the lab's operations are now in question and the state's district attorneys will meet next week to decide how to proceed.
- "As we identify cases at the Hinton lab and we realize that there were insufficiencies and inadequacies in practices, protocols and policies there, it may be that a wide swath — if not all — of the cases done by the Jamaica Plain lab between 2003 and 2012 may not be prosecuted," Leone said.
- Leone estimates that 9,000 cases in Middlesex County relied on evidence tested at the Hinton lab. He says about 250 cases have been heard in special court sessions established to review drug lab cases, with the cases of those incarcerated being reviewed first. So far, 15 people have been released.
- "People who are being released are not being released because they're innocent," Leone said. "Some of them may be, but in the vast majority of cases we've looked at, the defendants did what's alleged. We just can't prove it beyond a reasonable doubt or to go forward wouldn't be fair and just under the circumstances. They may be released but it has little to do with guilt or innocence, it has to do with failure of government, particularly the Department of Public Health.
- The drug lab scandal came to light when State Police took over the Hinton lab from the Department of Public Health last summer. Dookhan resigned in March after an internal investigation showed alleged misconduct. She told investigators in August that she just wanted to get the work done and never meant to hurt anyone.
- "I screwed up big-time," Dookhan is quoted as telling the investigators. "I messed up bad, it's my fault. I don't want the lab to get in trouble."
- The lab scandal continues to ripple on several fronts. In September, the Hinton lab's director was fired and Dookhan's immediate supervisor and DPH Commissioner Jon Auerbach resigned. In October, a Norfolk County assistant district attorney resigned after it was revealed that he and Dookhan often made personal calls and texted and emailed each other, in violation of lab protocols. Gov. Deval Patrick has appointed attorney David Meier to review the cases affected and the state attorney general and inspector general are investigating.
- Most legal observers expect the fallout from the scandal to continue for years and cost the state tens of millions of dollars. Lawmakers are still considering an initial \$30 million request from prosecutors, police and social service agencies to start rectifying what's now known to be a major breach in Massachusetts criminal justice system.

**Archived:** Tuesday, March 12, 2019 11:41:11 AM  
**From:** Wortmann, John (USAMA)  
**Sent:** Sun, 10 Feb 2013 11:07:42  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR  
**Sensitivity:** Normal

---

-----Original Message-----

From: Leone, Gerard (DAA) [<mailto:gerard.leone@state.ma.us>]  
Sent: Sunday, February 10, 2013 11:07 AM  
To: Wortmann, John (USAMA)  
Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Sure John, if you want to talk off line I can give you a quick synopsis if it would be helpful.  
Gerry

----- Original Message -----

From: Wortmann, John (USAMA) [<mailto:John.Wortmann@usdoj.gov>]  
Sent: Sunday, February 10, 2013 11:02 AM  
To: Leone, Gerard (NOR)  
Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Gerry--thanks for getting back

-----Original Message-----

From: Leone, Gerard (DAA) [<mailto:gerard.leone@state.ma.us>]  
Sent: Sunday, February 10, 2013 11:00 AM  
To: Wortmann, John (USAMA)  
Cc: Pirozzolo, Jack (USAMA); Young, Cynthia (USAMA); Herbert, James (USAMA); Wechsler, Pamela (NOR); Ellis, Sarah (DAA); Leone, Gerard (DAA); Pelgro, Michael (DAA)  
Subject: JP LAB Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

John, I base my comments that appeared on WBUR on the entirety of discovery and information that I (and all other DA's) have received from the DPH, EOPSS/MSP, and the AGO, causing me to have serious concerns about litigating any "drug only" cases out of the Hinton Lab between 2003-2011.  
I don't have any information that others don't have.

The information I have received (again, which all DAs have), which forms the basis for a draft letter we have written, and intend to summarize in a final letter to the MA IG tomorrow, leads me to have concerns about the policies, practices and protocols in the Hinton Lab, in addition to Dookhan herself - leaving me to question whether we can reasonably and fairly prosecute these cases BRD, w/o litigating the entirety of the Hinton Lab issues to a factfinder.

I'll be happy to share that letter with you when it is finalized by tomorrow.  
Gerry

----- Original Message -----

From: Wortmann, John (USAMA) [<mailto:John.Wortmann@usdoj.gov>]  
Sent: Sunday, February 10, 2013 10:41 AM  
To: Leone, Gerard (NOR)

Cc: Pirozzolo, Jack (USAMA) <Jack.Pirozzolo@usdoj.gov>; Young, Cynthia (USAMA) <Cynthia.Young2@usdoj.gov>; Herbert, James (USAMA) <James.Herbert@usdoj.gov>  
Subject: FW: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Gerry--I have a trial starting tomorrow with drugs that were purchased on 3/2/12 (after Dookhan was placed on administrative leave) and went to the lab on 3/8/12 (the day she resigned).

The Federal Defenders are using the comments attributed to you on WBUR to seek a continuance. Is there anything you can tell me that suggests a sample like this could be suspect?

If you can get back to us today, it would be great.

-----Original Message-----

From: Miriam Conrad [[mailto:Miriam\\_Conrad@fd.org](mailto:Miriam_Conrad@fd.org)]

Sent: Friday, February 08, 2013 4:29 PM

To: Pirozzolo, Jack (USAMA); Young, Cynthia (USAMA)

Cc: Wortmann, John (USAMA); Page Kelley; Martin Richey

Subject: Fwd: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Hi, Jack and Cynthia.

I am wondering if you are aware of this latest development regarding the drug lab. The article linked below says that DAs will be meeting next week to discuss the development of information implicating all tests at the Hinton lab, from 2003 to 2012, not just those involving Annie Dookhan.

As you may know, Martin and Page are scheduled to start a trial Monday with John Wortmann, [REDACTED]. In that case, the drugs at issue were tested at the Hinton lab in March, 2012, after Dookhan left. Martin and Page intend to challenge the reliability of the testing. It appears from the article below, that more information is coming out that would implicate the reliability of the testing in their case.

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They plan to renew their motion in light of this latest development. They will, of course, contact John directly to find out what his position will be. I want you to be aware of these developments, if you are not already.

I would hope that the US Attorney's Office would continue to be cooperative in giving defendants all of the relevant information and allowing them an opportunity to make effective use of it.

Miriam Conrad  
Federal Public Defender  
51 Sleeper Street, 5th Floor  
Boston, MA 02210

Tel: [REDACTED] (main)  
[REDACTED] (direct)

FAX: [REDACTED]

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<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>



**Archived:** Tuesday, March 12, 2019 11:41:21 AM

**From:** Leone, Gerard (NOR)

**To:** Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)

**Subject:** JP LAB: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

**Sensitivity:** Normal

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Noone should represent the position of our office on these matters, other than referring people to what has been documented by me (as below), or is quoted to me.

Thanks. We are sending some messaging here to try and obtain some clarity as we pursue these substantive matters; and as we pursue the granting of resources that will allow us to conduct business with these matters as we draw closer to needing to litigate these matters.

Thanks

-----Original Message-----

From: Wortmann, John (USAMA) [<mailto:John.Wortmann@usdoj.gov>]

Sent: Sunday, February 10, 2013 11:02 AM

To: Leone, Gerard (NOR)

Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Gerry--thanks for getting back

-----Original Message-----

From: Leone, Gerard (DAA) [<mailto:gerard.leone@state.ma.us>]

Sent: Sunday, February 10, 2013 11:00 AM

To: Wortmann, John (USAMA)

Cc: Pirozzolo, Jack (USAMA); Young, Cynthia (USAMA); Herbert, James (USAMA); Wechsler, Pamela (NOR); Ellis, Sarah (DAA); Leone, Gerard (DAA); Pelgro, Michael (DAA)

Subject: JP LAB Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

John, I base my comments that appeared on WBUR on the entirety of discovery and information that I (and all other DA's) have received from the DPH, EOPSS/MSP, and the AGO, causing me to have serious concerns about litigating any "drug only" cases out of the Hinton Lab between 2003-2011.

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I'll be happy to share that letter with you when it is finalized by tomorrow.

Gerry

----- Original Message -----

From: Wortmann, John (USAMA) [<mailto:John.Wortmann@usdoj.gov>]

Sent: Sunday, February 10, 2013 10:41 AM

To: Leone, Gerard (NOR)

Cc: Pirozzolo, Jack (USAMA) <Jack.Pirozzolo@usdoj.gov>; Young, Cynthia (USAMA) <Cynthia.Young2@usdoj.gov>; Herbert, James (USAMA) <James.Herbert@usdoj.gov>

Subject: FW: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Gerry--I have a trial starting tomorrow with drugs that were purchased on 3/2/12 (after Dookhan was placed on administrative leave) and went to the lab on 3/8/12 (the day she resigned).

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If you can get back to us today, it would be great.

-----Original Message-----

From: Miriam Conrad [[mailto:Miriam\\_Conrad@fd.org](mailto:Miriam_Conrad@fd.org)]

Sent: Friday, February 08, 2013 4:29 PM

To: Pirozzolo, Jack (USAMA); Young, Cynthia (USAMA)

Cc: Wortmann, John (USAMA); Page Kelley; Martin Richey

Subject: Fwd: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Hi, Jack and Cynthia.

I am wondering if you are aware of this latest development regarding the drug lab. The article linked below says that DAs will be meeting next week to discuss the development of information implicating all tests at the Hinton lab, from 2003 to 2012, not just those involving Annie Dookhan.

As you may know, Martin and Page are scheduled to start a trial Monday with John Wortmann, [REDACTED]. In that case, the drugs at issue were tested at the Hinton lab in March, 2012, after Dookhan left. Martin and Page intend to challenge the reliability of the testing. It appears from the article below, that more information is coming out that would implicate the reliability of the testing in their case.

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They plan to renew their motion in light of this latest development. They will, of course, contact John directly to find out what his position will be. I want you to be aware of these developments, if you are not already.

I would hope that the US Attorney's Office would continue to be cooperative in giving defendants all of the relevant information and allowing them an opportunity to make effective use of it.

Miriam Conrad  
Federal Public Defender  
51 Sleeper Street, 5th Floor  
Boston, MA 02210

Tel: [REDACTED] (main)  
[REDACTED] (direct)

FAX: [REDACTED]

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<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>

**Archived:** Tuesday, March 12, 2019 11:41:22 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR  
**Sensitivity:** Normal

---

I want messaging to be consistent, I do not want individual conversations to happen.  
If it isn't written, we don't want to be saying it, for now.  
I am talking to John Wortmann right now.

-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Sunday, February 10, 2013 2:31 PM  
To: Leone, Gerard (NOR); Pelgro, Michael (NOR)  
Cc: Ellis, Sarah (NOR)  
Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

I'm happy to call Pat.

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Sunday, February 10, 2013 02:30 PM  
To: Pelgro, Michael (NOR)  
Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Sure, send him this email.  
We'll finish the IG letter today. I'm reading it now.  
It's not like we have info others do not.  
I am unsure why no one is reaching the same concerns and possible conclusions that we are, and want our/my lead to at least engender discussion rather than waiting months for an IG investigation to conclude.

----- Original Message -----

From: Pelgro, Michael (NOR)  
Sent: Sunday, February 10, 2013 02:13 PM  
To: Leone, Gerard (NOR)  
Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Gerry,

I received a call this afternoon from Pat Haggan of the Suffolk DAO raising the same concerns about the WBUR interview.

In fact, he said he had spoken to John Wortmann.

I told Pat essentially the same thing that you said below and suggested that he might want to speak with Pam as well since she is point on this.

He said he would call her tomorrow to follow up on this.

Any problem with me forwarding this email to Pat?

michael.pelgro@state.ma.us

 (office)  
(fax)  
(mobile)

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Sunday, February 10, 2013 11:00 AM  
To: 'John.Wortmann@usdoj.gov'  
Cc: 'Jack.Pirozzolo@usdoj.gov'; 'Cynthia.Young2@usdoj.gov'; 'James.Herbert@usdoj.gov'; Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Leone, Gerard (NOR); Pelgro, Michael (NOR)  
Subject: JP LAB Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

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----- Original Message -----

From: Wortmann, John (USAMA) [<mailto:John.Wortmann@usdoj.gov>]  
Sent: Sunday, February 10, 2013 10:41 AM  
To: Leone, Gerard (NOR)  
Cc: Pirozzolo, Jack (USAMA) <Jack.Pirozzolo@usdoj.gov>; Young, Cynthia (USAMA) <Cynthia.Young2@usdoj.gov>; Herbert, James (USAMA) <James.Herbert@usdoj.gov>  
Subject: FW: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

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The Federal Defenders are using the comments attributed to you on WBUR to seek a continuance. Is there anything you can tell me that suggests a sample like this could be suspect?

If you can get back to us today, it would be great.

-----Original Message-----

From: Miriam Conrad [[mailto:Miriam\\_Conrad@fd.org](mailto:Miriam_Conrad@fd.org)]  
Sent: Friday, February 08, 2013 4:29 PM  
To: Pirozzolo, Jack (USAMA); Young, Cynthia (USAMA)  
Cc: Wortmann, John (USAMA); Page Kelley; Martin Richey  
Subject: Fwd: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Hi, Jack and Cynthia.

I am wondering if you are aware of this latest development regarding the drug lab. The article linked below says that DAs will be meeting next week to discuss the development of information implicating all tests at the Hinton lab, from 2003 to 2012, not just those involving Annie Dookhan.

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Miriam Conrad  
Federal Public Defender  
51 Sleeper Street, 5th Floor  
Boston, MA 02210

Tel: [REDACTED] (main)  
[REDACTED] (direct)

FAX: [REDACTED]

---

<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>

**Archived:** Tuesday, March 12, 2019 11:41:30 AM  
**From:** Pelgro, Michael (NOR)  
**Sent:** Sun, 10 Feb 2013 15:02:04  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR  
**Sensitivity:** Normal

---

Forgot to add -- I'm around tomorrow morning.

michael.pelgro@state.ma.us

 (office)  
(fax)  
(mobile)

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Sunday, February 10, 2013 2:56 PM  
To: Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
Cc: Ellis, Sarah (NOR)  
Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Can we four meet and talk in the a.m. tomorrow about this? Do we want anyone else in the meeting?  
I will explain what my position is and what my purpose is here.  
Our office needs to be on the same page as we approach this.

-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Sunday, February 10, 2013 2:31 PM  
To: Leone, Gerard (NOR); Pelgro, Michael (NOR)  
Cc: Ellis, Sarah (NOR)  
Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

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----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Sunday, February 10, 2013 02:30 PM  
To: Pelgro, Michael (NOR)  
Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

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Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
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Sent: Sunday, February 10, 2013 10:41 AM

To: Leone, Gerard (NOR)  
Cc: Pirozzolo, Jack (USAMA) <Jack.Pirozzolo@usdoj.gov>; Young, Cynthia (USAMA) <Cynthia.Young2@usdoj.gov>; Herbert, James (USAMA) <James.Herbert@usdoj.gov>  
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Sent: Friday, February 08, 2013 4:29 PM  
To: Pirozzolo, Jack (USAMA); Young, Cynthia (USAMA)  
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Tel: [REDACTED] (main)  
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FAX: [REDACTED]

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<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>

**Archived:** Tuesday, March 12, 2019 11:41:33 AM

**From:** Leone, Gerard (NOR)

**Sent:** Sun, 10 Feb 2013 15:24:07

**To:** Ellis, Sarah (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Leone, Gerard (NOR)

**Subject:** JP LAB: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

**Sensitivity:** Normal

---

I don't think MTR needs to be at the meeting tomorrow a.m. She's on notice by my last email.

Agreed, or that the lack of proper, protocols, practices and policies were not engaged in. Y others or impacted their work product.

----- Original Message -----

From: Ellis, Sarah (NOR)

Sent: Sunday, February 10, 2013 03:19 PM

To: Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

I'm available in the morning. I know Marian has been involved on a counsel basis - when we have specific questions - but she if she fields calls / inquiries, she should be referring them to Pam. Pam and I met with her last week, and Marian said she was fine taking a back seat on this.

Also, Pam can confirm, but I believe CPCS was given the same discovery we were. I'm not sure why other DAO's have not been reaching similar conclusions. Marian was under the impression that some had, but not Suffolk. I can talk to Marian and see why she had that belief.

I think the core issue here is one of scope - there is no way given the practices of the JP Lab, the access Dookhan had, and the untraceable nature of her malfeasance - that we can prove any single case was not touched by her from 2003 when she was hired until the separation in March 2012.

-----Original Message-----

From: Leone, Gerard (NOR)

Sent: Sunday, February 10, 2013 3:03 PM

To: Pelgro, Michael (NOR); Wechsler, Pamela (NOR)

Cc: Ellis, Sarah (NOR)

Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

I just included her in the last message so that she is on notice. I don't think we need for our meeting unless SWE and PW does - ?

-----Original Message-----

From: Pelgro, Michael (NOR)

Sent: Sunday, February 10, 2013 3:02 PM

To: Leone, Gerard (NOR); Wechsler, Pamela (NOR)

Cc: Ellis, Sarah (NOR)

Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Given her ubiquity, Marian?

If that is at cross-purposes with the phasing out process, then leave her out.

michael.pelgro@state.ma.us

(office)  
(fax)  
(mobile)

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Sunday, February 10, 2013 2:56 PM  
To: Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
Cc: Ellis, Sarah (NOR)  
Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Can we four meet and talk in the a.m. tomorrow about this? Do we want anyone else in the meeting?  
I will explain what my position is and what my purpose is here.  
Our office needs to be on the same page as we approach this.

-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Sunday, February 10, 2013 2:31 PM  
To: Leone, Gerard (NOR); Pelgro, Michael (NOR)  
Cc: Ellis, Sarah (NOR)  
Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

I'm happy to call Pat.

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Sunday, February 10, 2013 02:30 PM  
To: Pelgro, Michael (NOR)  
Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

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We'll finish the IG letter today. I'm reading it now.  
It's not like we have info others do not.  
I am unsure why no one is reaching the same concerns and possible conclusions that we are, and want our/my lead to at least engender discussion rather than waiting months for an IG investigation to conclude.

----- Original Message -----

From: Pelgro, Michael (NOR)  
Sent: Sunday, February 10, 2013 02:13 PM  
To: Leone, Gerard (NOR)  
Cc: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Gerry,

I received a call this afternoon from Pat Haggan of the Suffolk DAO raising the same concerns about the WBUR interview.

In fact, he said he had spoken to John Wortmann.

I told Pat essentially the same thing that you said below and suggested that he might want to speak with Pam as well since she is point on this.

He said he would call her tomorrow to follow up on this.

Any problem with me forwarding this email to Pat?

michael.pelgro@state.ma.us

 (office)  
(fax)  
(mobile)

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Sunday, February 10, 2013 11:00 AM  
To: 'John.Wortmann@usdoj.gov'  
Cc: 'Jack.Pirozzolo@usdoj.gov'; 'Cynthia.Young2@usdoj.gov'; 'James.Herbert@usdoj.gov'; Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Leone, Gerard (NOR); Pelgro, Michael (NOR)  
Subject: JP LAB Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

John, I base my comments that appeared on WBUR on the entirety of discovery and information that I (and all other DA's) have received from the DPH, EOPSS/MSP, and the AGO, causing me to have serious concerns about litigating any "drug only" cases out of the Hinton Lab between 2003-2011. I don't have any information that others don't have.

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I'll be happy to share that letter with you when it is finalized by tomorrow.  
Gerry

----- Original Message -----

From: Wortmann, John (USAMA) [<mailto:John.Wortmann@usdoj.gov>]  
Sent: Sunday, February 10, 2013 10:41 AM  
To: Leone, Gerard (NOR)  
Cc: Pirozzolo, Jack (USAMA) <Jack.Pirozzolo@usdoj.gov>; Young, Cynthia (USAMA) <Cynthia.Young2@usdoj.gov>; Herbert, James (USAMA) <James.Herbert@usdoj.gov>  
Subject: FW: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Gerry--I have a trial starting tomorrow with drugs that were purchased on 3/2/12 (after Dookhan was placed on administrative leave) and went to the lab on 3/8/12 (the day she resigned).

The Federal Defenders are using the comments attributed to you on WBUR to seek a continuance. Is there anything you can tell me that suggests a sample like this could be suspect?

If you can get back to us today, it would be great.

-----Original Message-----

From: Miriam Conrad [[mailto:Miriam\\_Conrad@fd.org](mailto:Miriam_Conrad@fd.org)]  
Sent: Friday, February 08, 2013 4:29 PM  
To: Pirozzolo, Jack (USAMA); Young, Cynthia (USAMA)

Cc: Wortmann, John (USAMA); Page Kelley; Martin Richey  
Subject: Fwd: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Hi, Jack and Cynthia.

I am wondering if you are aware of this latest development regarding the drug lab. The article linked below says that DAs will be meeting next week to discuss the development of information implicating all tests at the Hinton lab, from 2003 to 2012, not just those involving Annie Dookhan.

As you may know, Martin and Page are scheduled to start a trial Monday with John Wortmann, [REDACTED]. In that case, the drugs at issue were tested at the Hinton lab in March, 2012, after Dookhan left. Martin and Page intend to challenge the reliability of the testing. It appears from the article below, that more information is coming out that would implicate the reliability of the testing in their case.

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They plan to renew their motion in light of this latest development. They will, of course, contact John directly to find out what his position will be. I want you to be aware of these developments, if you are not already.

I would hope that the US Attorney's Office would continue to be cooperative in giving defendants all of the relevant information and allowing them an opportunity to make effective use of it.

Miriam Conrad  
Federal Public Defender  
51 Sleeper Street, 5th Floor  
Boston, MA 02210

Tel: [REDACTED] (main)  
[REDACTED] (direct)

FAX: [REDACTED]

---

<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>

**Archived:** Tuesday, March 12, 2019 11:41:46 AM

**From:** Leone, Gerard (NOR)

**Sent:** Sun, 10 Feb 2013 18:01:40

**To:** Leone, Gerard (NOR)

**Subject:** JP Lab: WBUR 2-8-13, GTL interview

**Sensitivity:** Normal

---

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**From:** Long, MaryBeth (NOR)

**Sent:** Friday, February 08, 2013 07:20 PM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Subject:** WBUR 2-8-13, GTL interview

**DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed**

**By Deborah Becker, WBUR, February 8, 2013**

<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>

- BOSTON — At least one Massachusetts district attorney expects to decide next week whether to dismiss a wider range of cases where drug evidence was tested at the now-closed Hinton lab in Jamaica Plain.
- Middlesex District Attorney Gerald Leone says preliminary information from his team assessing drug lab cases shows that prosecutors may have to dismiss more cases, beyond those that relied on testing from former chemist Annie Dookhan.
- "As we've been provided more information about what happened at the lab, we've moved away from this being one rogue chemist to a lab that had insufficient practices, policies and protocols to an extent that leads us to believe there are going to be more cases compromised than just the ones signed off on by Annie Dookhan," he said.
- Dookhan has been charged with manipulating drug tests at the lab, potentially compromising 34,000 criminal cases where she was the chemist involved in the testing. Amid several investigations into Dookhan's tenure at the lab from 2003 to 2012, Leone says all of the lab's operations are now in question and the state's district attorneys will meet next week to decide how to proceed.
- "As we identify cases at the Hinton lab and we realize that there were insufficiencies and inadequacies in practices, protocols and policies there, it may be that a wide swath — if not all — of the cases done by the Jamaica Plain lab between 2003 and 2012 may not be prosecuted," Leone said.
- Leone estimates that 9,000 cases in Middlesex County relied on evidence tested at the Hinton lab. He says about 250 cases have been heard in special court sessions established to review drug lab cases, with the cases of those incarcerated being reviewed first. So far, 15 people have been released.
- "People who are being released are not being released because they're innocent," Leone said. "Some of them may be, but in the vast majority of cases we've looked at, the defendants did what's alleged. We just can't prove it beyond a reasonable doubt or to go forward wouldn't be fair and just under the circumstances. They may be released but it has little to do with guilt or innocence, it has to do with failure of government, particularly the Department of Public Health.
- The drug lab scandal came to light when State Police took over the Hinton lab from the Department of Public Health last summer. Dookhan resigned in March after an internal investigation showed alleged misconduct. She told investigators in August that she just wanted to get the work done and never meant to hurt anyone.
- "I screwed up big-time," Dookhan is quoted as telling the investigators. "I messed up bad, it's my fault. I don't want the lab to get in trouble."
- The lab scandal continues to ripple on several fronts. In September, the Hinton lab's director was fired and Dookhan's immediate supervisor and DPH Commissioner Jon Auerbach resigned. In October, a Norfolk County assistant district attorney resigned after it was revealed that he and Dookhan often made personal calls and texted and emailed each other, in violation of lab protocols. Gov. Deval Patrick has appointed attorney David Meier to review the cases affected and the state attorney general and inspector general are investigating.
- Most legal observers expect the fallout from the scandal to continue for years and cost the state tens of millions of dollars. Lawmakers are still considering an initial \$30 million request from prosecutors, police and social service agencies to start rectifying what's now known to be a major breach in Massachusetts criminal justice system.

**Archived:** Tuesday, March 12, 2019 11:41:58 AM

**From:** Leone, Gerard (NOR)

**To:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)

**Subject:** Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

**Sensitivity:** Normal

---

See you then.

Pam just call into my office phone if you can't make it in.

Thanks

----- Original Message -----

From: Pelgro, Michael (NOR)

Sent: Sunday, February 10, 2013 03:58 PM

To: Ellis, Sarah (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR)

Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Me too.

michael.pelgro@state.ma.us

 (office)  
(fax)  
(mobile)

-----Original Message-----

From: Ellis, Sarah (NOR)

Sent: Sunday, February 10, 2013 3:51 PM

To: Leone, Gerard (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

9:30 works for me.

-----Original Message-----

From: Leone, Gerard (NOR)

Sent: Sunday, February 10, 2013 3:47 PM

To: Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

Cc: Ellis, Sarah (NOR)

Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

Ok, if you can't, we'll have you call in, ok?

Let's plan on 9:30, ok all?

----- Original Message -----

From: Wechsler, Pamela (NOR)

Sent: Sunday, February 10, 2013 03:35 PM

To: Leone, Gerard (NOR); Pelgro, Michael (NOR)

Cc: Ellis, Sarah (NOR)

Subject: Re: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

I hope to be in the office in the morning. I still don't have power.

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Sunday, February 10, 2013 02:55 PM

To: Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

Cc: Ellis, Sarah (NOR)

Subject: RE: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

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Cc: Ellis, Sarah (NOR)

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Sent: Sunday, February 10, 2013 10:41 AM  
To: Leone, Gerard (NOR)  
Cc: Pirozzolo, Jack (USAMA) <Jack.Pirozzolo@usdoj.gov>; Young, Cynthia (USAMA) <Cynthia.Young2@usdoj.gov>; Herbert, James (USAMA) <James.Herbert@usdoj.gov>  
Subject: FW: DA Leone: Wider Range Of Drug Lab Cases May Be Dismissed | WBUR

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Miriam Conrad  
Federal Public Defender  
51 Sleeper Street, 5th Floor  
Boston, MA 02210

Tel: [REDACTED] (main)  
[REDACTED] (direct)

FAX: [REDACTED]

---

<http://www.wbur.org/2013/02/08/leone-drug-lab-scandal-cases>

**Archived:** Tuesday, March 12, 2019 11:42:00 AM

**From:** Leone, Gerard (NOR)

**To:** Long, MaryBeth (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR); Leone, Gerard (NOR)

**Subject:** JP drug lab - Channel 5 Report

**Sensitivity:** Normal

---

See redlined sentences. See the bolded sentence. That is NOT their job. And likely one of the issues that got Dookhan in trouble!



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

Hi,

Here is the link to the Channel 5 investigates report on the lab. Kathy Curran focuses on the costs of chemists on paid leave. At the end of the report she mentions that the IG's report is scheduled to be complete in 7 months.

<http://www.wcvb.com/news/investigative/State-chemists-paid-thousands-to-sit-home-do-nothing/-/12520878/18467048/-/pw4n24z/-/index.html>

### **State chemists paid thousands to sit home, do nothing Drug lab scandal cost soars to at least \$100 million**

- BOSTON —As the cost of the state drug lab scandal continues to soar and the backlog of drug cases waiting to be tested continues to grow, Team 5 Investigates found chemists who haven't been accused of any crimes getting paid to just sit home. Team 5's Kathy Curran reported Sunday the cost to taxpayers is staggering.
- They're people like Mike Lawler, Peter Piro, Della Saunders and Dan Renczkowski.
- According to the resumes obtained by Team 5 Investigates, they're highly qualified chemists.
- One earned a masters' degree from Harvard University in biology, another has decades of experience and one was even trained federal employees.
- Team 5 has discovered they're among thirteen employees at the state's Jamaica Plain drug lab who have been out of work since August, collecting their full salaries and benefits while the backlog of drug evidence waiting to be tested continues to grow to 11,571 cases.
- "They love doing their job and that's all they want to do is get back to work," said Joe Dorant, president of the Massachusetts Organization of State Engineers and Scientists, which represents the chemists in question.
- **"They have an important job, the same mission as state police, the local police and the district attorneys to take drug dealers off the street," Dorant said.**
- The chemists haven't been able to do that job since the scandal at drug lab.
- When state police discovered chemist Annie Dookhan was allegedly tampering with drug evidence and altering test results, they shut down the lab and put the remaining chemists on administrative leave. The plan was to re-train them to work in the state's Sudbury lab, but that never happened.
- Instead, taxpayers are paying eleven chemists and two evidence officers \$723,080 a year to sit at home.
- "The idea that the administration is coming back to us in the legislature asking us to hire scientists to do a job which innocent,

qualified people are sitting home getting paid to do that job, I think in itself needs to be looked at," said state Representative David Vieira of East Falmouth.

- Vieira believes the chemists should be retrained and put back to work.
- If they're not qualified to work in the new state police lab then they should be placed in other labs, in other positions within the commonwealth," he said.
- "We've had discussions with the Attorney General, the Inspector General, the Department of Public Safety and we've heard nothing of any wrongdoing by these eleven chemists," said Dorant.
- Still, Gov. Patrick doesn't believe the chemists should go back to work until the investigation is complete.
- "I think this is the right thing to do. These are good people, you're right, there isn't any indication of wrongdoing," Patrick said.
- "But it's been six months?" asked Curran.
- "Has it been six months?" asked Patrick.
- "Their salaries add up to almost \$800,000," said Curran.
- "Well then, look, the people who are doing the investigation are doing it thoroughly and I think the people of the Commonwealth want it done thoroughly," said Patrick.
- Chemist Annie Dookhan has been the only person charged criminally. She has pleaded not guilty to all the charges against her. A spokesman for Attorney General Martha Coakley told Team 5 there's no indication of any other criminal wrongdoing by anyone else at this point.
- Now lawmakers are calling for accreditation for the lab to try and prevent anything like this from happening again.
- "Do you believe if that lab was accredited, those extra protocols would have prevented something like this from happening?" asked Team 5 Investigates' Curran.
- "I do, and I suspect those protocols in other instances have prevented things like this from happening," said Senate minority leader Bruce Tarr, R-Gloucester.
- Reports and e-mails obtained by Team 5 show national accreditation for the lab was considered almost a decade ago at cost of between \$10,000-\$25,000 a year for two of the state's labs. The fallout from the drug lab scandal is expected to cost taxpayers at least \$100 million.
- "When you go back and look at the fact that there were discussions about the need to go for accreditation and the previous administrations did not do that, that itself I think is criminal," said Vieira.
- The state Inspector General is currently reviewing the lab's protocols and procedures and that review is expected to take about seven months which means the remaining chemists will be home for at least that long.

**Archived:** Tuesday, March 12, 2019 11:42:05 AM

**From:** Ryan, Marian (NOR)

**Sent:** Mon, 11 Feb 2013 10:53:34

**To:** Long, MaryBeth (NOR); Leone, Gerard (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Subject:** Re: Channel 5 report on JP drug lab

**Sensitivity:** Normal

---

Note the story re shooting in Delaware courthouse this morning when you go to the link-

---

**From:** Long, MaryBeth (NOR)

**Sent:** Monday, February 11, 2013 10:50 AM

**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Ryan, Marian (NOR)

**Subject:** Channel 5 report on JP drug lab

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**Archived:** Tuesday, March 12, 2019 11:42:16 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR)

**Cc:** Ellis, Sarah (NOR)

**Subject:** Re: Dookhan Pleas

**Sensitivity:** Normal

---

DAs O'Keefe and Conley looking to talk me about the "IG letter" tomorrow.

---

**From:** Wechsler, Pamela (NOR)

**Sent:** Monday, February 11, 2013 04:38 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ellis, Sarah (NOR)

**Subject:** Dookhan Pleas

I learned from Suffolk today that they have a case before the SJC that should be decided in a couple of weeks—they have taken up the issue of whether a plea (vs a conviction after trial) can be reconsidered due to Dookhan / JP Lab challenges. We had previously taken the position that there were no distinctions between plea and trial, based on a fairness argument and that the facts coming to light re. Dookhan and the lab went to the knowing / intelligence of the waiver. We have NPed a handful of Dookhan guilty pleas. I think we should hold off NPing any more convictions resulting from guilty pleas until the SJC has ruled.

**Archived:** Tuesday, March 12, 2019 11:42:34 AM  
**From:** Conley, Daniel (SUF)  
**Sent:** Mon, 11 Feb 2013 17:32:20  
**To:** Leone, Gerard (NOR)  
**Cc:** Conley, Daniel (SUF); OKeefe, Michael (CPI)  
**Subject:** Re: Your WBUR interview and letter to the IG  
**Sensitivity:** Normal

---

Yes.

On Feb 11, 2013, at 5:31 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Ok. I take it you guys are asking me to hold off on the letter until we talk?

>

> ----- Original Message -----

> From: Conley, Daniel (SUF)

> Sent: Monday, February 11, 2013 05:23 PM

> To: Leone, Gerard (NOR)

> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)

> Subject: Re: Your WBUR interview and letter to the IG

>

> 3 pm will work for me.

>

> On Feb 11, 2013, at 4:38 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> I go into meetings at 8:30 and I'm straight out until 2:30 tomorrow.

>>

>> ----- Original Message -----

>> From: Conley, Daniel (SUF)

>> Sent: Monday, February 11, 2013 04:21 PM

>> To: Leone, Gerard (NOR)

>> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)

>> Subject: Re: Your WBUR interview and letter to the IG

>>

>> 10-1 work best for me if that's possible.

>>

>> On Feb 11, 2013, at 4:17 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>>

>>> If tomorrow a.m., I have meetings starting at 8:30, so can do before then. 8 a.m.?

>>>

>>> ----- Original Message -----

>>> From: Conley, Daniel (SUF)

>>> Sent: Monday, February 11, 2013 03:42 PM

>>> To: Leone, Gerard (NOR); OKeefe, Michael (CPI)

>>> Subject: Your WBUR interview and letter to the IG

>>>

>>> Gerry,

>>>

>>> Do you have some time tomorrow morning to discuss your interview with WBUR about the Hinton lab with Mike and me? We would also like to discuss your proposed letter to the IG. Let us know what time is good for you.

>>>

>>> Thanks,



```
>>>  
>>> Dan C
```

**Archived:** Tuesday, March 12, 2019 11:42:41 AM  
**From:** OKeefe, Michael (CPI)  
**Sent:** Mon, 11 Feb 2013 17:33:53  
**To:** Leone, Gerard (NOR)  
**Cc:** Conley, Daniel (SUF)  
**Subject:** Re: Your WBUR interview and letter to the IG  
**Sensitivity:** Normal

---

Yes if that's agreeable.

Sent from my iPhone

On Feb 11, 2013, at 5:32 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> So we are talking at 8 a.m.?

>

> ----- Original Message -----

> From: Conley, Daniel (SUF)

> Sent: Monday, February 11, 2013 05:32 PM

> To: Leone, Gerard (NOR)

> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)

> Subject: Re: Your WBUR interview and letter to the IG

>

> Yes.

>

> On Feb 11, 2013, at 5:31 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

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>> From: Conley, Daniel (SUF)

>> Sent: Monday, February 11, 2013 05:23 PM

>> To: Leone, Gerard (NOR)

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>>>> ----- Original Message -----

>>>> From: Conley, Daniel (SUF)

>>>> Sent: Monday, February 11, 2013 03:42 PM

>>>> To: Leone, Gerard (NOR); OKeefe, Michael (CPI)

>>>> Subject: Your WBUR interview and letter to the IG

>>>>

>>>> Gerry,

>>>>

>>>> Do you have some time tomorrow morning to discuss your interview with WBUR about the Hinton lab with Mike and me? We would also like to discuss your proposed letter to the IG. Let us know what time is good for you.

>>>>

>>>> Thanks,

>>>>

>>>> Dan C

**Archived:** Tuesday, March 12, 2019 11:42:43 AM  
**From:** Stevens, Bethany (NOR)  
**Sent:** Mon, 11 Feb 2013 18:02:32  
**To:** Pelgro, Michael (NOR); Leone, Gerard (NOR)  
**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** RE: BUDGET ISSUES: RE: wish list - MSP OT  
**Sensitivity:** Normal

---

FYI – SHNS report from today:

#### SUPP BUDGET ON TAP FOR SENATE ON TUESDAY

The Senate on Tuesday will consider a mid-year spending and budget-balancing bill as scheduled, despite parts of the state, including Senate President Therese Murray's home, still being without power as of Monday afternoon. Senate Majority Leader Stanley Rosenberg held Monday's informal session open for several hours as leaders considered whether to move forward with Tuesday's formal session as planned. The Senate will convene at 2 p.m. on Tuesday, an hour later than usual, to consider the bill approved by the House last week that directs tens of millions of dollars in new spending to sheriffs, shelter programs and law enforcement agencies dealing with the fallout from the Hinton drug lab evidence tampering scandal. The bill also authorizes a new draw of \$200 million from the state's "rainy day" fund to balance the fiscal 2013 budget after the Patrick administration late last year revised downward revenue estimates and instituted emergency budget cuts. Senate Ways and Means Chairman Stephen Brewer told the News Service Monday that experts consulted after tax collections in December and January reflected stronger than anticipated growth were clear with their recommendation that the rebound should not be treated as a license to spend money. "They said not to get overly optimistic about December and January revenues. Every sign of that revenue upgrade has a trail that leads right back to the uncertainty of the tax exposures people would be facing in Washington. So if we did get overly ambitious about spending in this vehicle we might just be taking money from the April and June revenues," Brewer said. Murray and House Ways and Means Chairman Rep. Brian Dempsey said last week that they believe the uptick in tax collections the past two months had a lot to do with people selling off assets and taking other steps at the beginning of the year to avoid higher capital gains rates and other tax increases expected as part of a deal from Congress to avoid the "fiscal cliff." Like Dempsey, who said he would prefer to see the stabilization account balance above \$2 billion, Brewer said the Senate does not make the decision lightly to take from reserves. "It's very hard to replenish so any time you take you take it with the utmost necessity," he said. The budget bill that will go before the Senate will not get a rewrite by the Senate Ways and Means Committee, which is often the procedure. Brewer said the Senate and the House had "meaningful discussions" before the bill went before the House about its content. Senators filed 33 amendments to the bill by last Friday's deadline, but Brewer said the Senate would be unlikely to consider any many policy riders offered by members after the House turned aside proposals offered by Republicans last week for stricter welfare and pharmacy oversight, among other proposals. Noting how Murray listed welfare reform as a priority in her opening remarks to the Senate this year, Brewer said it be unwise to "rush into activities" that deserve "more meaningful and substantive discussion." He also said the Senate leadership agrees with the House that the Legislature should not grant Gov. Deval Patrick the authority to cut unrestricted local aid by 1 percent, or \$9 million, at this time. "It has a higher standard for members. It's the last one that gets cut," Brewer said, adding that some accounts cut by the governor already, such as regional school transportation and special education, have a local impact on municipal budgets. – M. Murphy/SHNS

Bethany Stevens, Deputy Chief  
Middlesex Appeals & Training Bureau  
ph: [REDACTED] fax: [REDACTED]

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---

**From:** Pelgro, Michael (DAA) [mailto:michael.pelgro@massmail.state.ma.us]  
**Sent:** Monday, February 11, 2013 1:58 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Stevens, Bethany (NOR)  
**Subject:** RE: BUDGET ISSUES: RE: wish list - MSP OT

Here is the letter that I revised based on our conversation last week.

I raised the ask to \$80,000 but left in the 7% for next year.



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)



(office)  
(fax)  
(mobile)

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, February 11, 2013 11:40 AM  
**To:** Pelgro, Michael (NOR)  
**Cc:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); [bethany.stevens@state.ma.us](mailto:bethany.stevens@state.ma.us)  
**Subject:** BUDGET ISSUES: RE: wish list - MSP OT

Status?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
(781) 897-8316 | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, February 05, 2013 03:07 PM  
**To:** Sullivan, Tom (NOR); Mahon, Patrick (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Diorio, Melissa (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** BUDGET ISSUES: RE: wish list - MSP OT

I just had a conversation.

DAOs will be exempted from FY '13 9C.

Asap, We should draft a letter to Chairman Dempsey, cc'ing Rep. Linsky making a FY 13 MSP OT (supplemental) request; and referencing our FY '14 ask (but it sounds like our 7% MSP OT FY '14 request might be low, especially compared with what we would be asking for FY 13 - ?). WE should do this only if we believe that 1) we need such supplemental monies for FY '13; and/or we believe we will need more than our requested 7% increase in FY '14.

The JP Lab issues will be fluid, start with the \$30 M. to be administered by A&F, knowing that it will likely need be supplemented.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[Redacted] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Sullivan, Tom (NOR)  
**Sent:** Tuesday, February 05, 2013 2:34 PM  
**To:** Leone, Gerard (NOR); Mahon, Patrick (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Diorio, Melissa (NOR)  
**Subject:** RE: wish list - MSP OT

Gerry,

Pat's number sounds reasonable to me. We need to cover the expense of the Malden wire and the additional cost of the Cyber program. As you know, the death investigations are unpredictable both in frequency and duration of the investigation. One example is January 2012 we had 28 death investigations compared to January 2013 we had 51 death investigations.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, February 05, 2013 12:51 PM  
**To:** Mahon, Patrick (NOR); Sullivan, Tom (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Diorio, Melissa (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** RE: wish list - MSP OT

Thanks Pat. this is helpful.

I would like all also to weigh in on needs, especially Sully and Mike, so that I can provide Rep. Linsky with an approximate needs based \$ assessment and request.

This can happen, but we want to provide a basis for this request and that can serve us well prospectively.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Mahon, Patrick (NOR)  
**Sent:** Tuesday, February 05, 2013 11:32 AM  
**To:** Leone, Gerard (NOR); Sullivan, Tom (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Diorio, Melissa (NOR)  
**Subject:** RE: wish list - MSP OT

Gerry and team,

Through week ending 1/26/13, we are trending 3% above budget for the year on MSP overtime (and at times have trended up to 7+ % over budget this year). Our "ask" in the FY 14 Budget request is for a 7% increase (from \$516 to \$552-36K) which in the Governor's budget was reduced to less than 1% approx. ( 5K increase). Referencing you prior e-mail, where the net increase we received vs., the sum of the collective bargaining increases results in a net loss over the prior three years, on an apples to apples basis also concerns me. On a top side basis, I would ask for a minimum 50K supplement for this year, and if there are investigations/operations that have been held in abeyance because of funding concerns, I would add an \$ estimate

for those to the 50K. I would also ask that they strongly support our request for the 7% increase in Overtime in the FY 2014 budget.

Pat

---

**From:** Leone, Gerard (NOR)

**Sent:** Tuesday, February 05, 2013 10:48 AM

**To:** Sullivan, Tom (NOR); Mahon, Patrick (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Diorio, Melissa (NOR)

**Cc:** Leone, Gerard (NOR)

**Subject:** wish list - MSP OT

I just spoke with Rep. Linsky:

Assuming I can get it in a Supplemental, how much would we ask for?

See my last email on the CBA increases and our MSP OT.



*Gerard T. Leone, Jr. | Middlesex District Attorney*

*15 Commonwealth Ave., Woburn, MA 01801*

*[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)*

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**Archived:** Tuesday, March 12, 2019 11:42:53 AM  
**From:** Leone, Gerard (NOR)  
**To:** Conley, Daniel (SUF)  
**Cc:** OKeefe, Michael (CPI)  
**Subject:** Re: Your WBUR interview and letter to the IG  
**Sensitivity:** Normal

---

Same for me, let's talk for 30 minutes.

----- Original Message -----

From: Conley, Daniel (SUF)  
Sent: Monday, February 11, 2013 05:35 PM  
To: Leone, Gerard (NOR)  
Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
Subject: Re: Your WBUR interview and letter to the IG

Ok. I'll do 8. Tough for me. May have to check out at 8:30.

On Feb 11, 2013, at 5:32 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> So we are talking at 8 a.m.?

>

> ----- Original Message -----

> From: Conley, Daniel (SUF)  
> Sent: Monday, February 11, 2013 05:32 PM  
> To: Leone, Gerard (NOR)  
> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
> Subject: Re: Your WBUR interview and letter to the IG

>

> Yes.

>

> On Feb 11, 2013, at 5:31 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> Ok. I take it you guys are asking me to hold off on the letter until we talk?

>>

>> ----- Original Message -----

>> From: Conley, Daniel (SUF)  
>> Sent: Monday, February 11, 2013 05:23 PM  
>> To: Leone, Gerard (NOR)  
>> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
>> Subject: Re: Your WBUR interview and letter to the IG

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>> 3 pm will work for me.

>>

>> On Feb 11, 2013, at 4:38 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>>

>>> I go into meetings at 8:30 and I'm straight out until 2:30 tomorrow.

>>>

>>> ----- Original Message -----

>>> From: Conley, Daniel (SUF)  
>>> Sent: Monday, February 11, 2013 04:21 PM  
>>> To: Leone, Gerard (NOR)  
>>> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)



>>> Subject: Re: Your WBUR interview and letter to the IG

>>>

>>> 10-1 work best for me if that's possible.

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>>>>

>>>> ----- Original Message -----

>>>> From: Conley, Daniel (SUF)

>>>> Sent: Monday, February 11, 2013 03:42 PM

>>>> To: Leone, Gerard (NOR); OKeefe, Michael (CPI)

>>>> Subject: Your WBUR interview and letter to the IG

>>>>

>>>> Gerry,

>>>>

>>>> Do you have some time tomorrow morning to discuss your interview with WBUR about the Hinton lab with Mike and me? We would also like to discuss your proposed letter to the IG. Let us know what time is good for you.

>>>>

>>>> Thanks,

>>>>

>>>> Dan C

**Archived:** Tuesday, March 12, 2019 11:42:58 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR)

**Cc:** Ellis, Sarah (NOR)

**Subject:** Re: Dookhan Pleas

**Sensitivity:** Normal

---

Yes, the DAs have asked me to hold off until they talk to me tomorrow at 8 a.m. Anyway.

Thanks

---

**From:** Wechsler, Pamela (NOR)

**Sent:** Monday, February 11, 2013 05:58 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ellis, Sarah (NOR)

**Subject:** Re: Dookhan Pleas

Sarah and I are going to draft some language to add to the letter on this issue. So can you hold off sending it out until tomorrow?

---

**From:** Leone, Gerard (NOR)

**Sent:** Monday, February 11, 2013 04:41 PM

**To:** Wechsler, Pamela (NOR)

**Cc:** Ellis, Sarah (NOR)

**Subject:** Re: Dookhan Pleas

Sounds right

---

**From:** Wechsler, Pamela (NOR)

**Sent:** Monday, February 11, 2013 04:38 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ellis, Sarah (NOR)

**Subject:** Dookhan Pleas

I learned from Suffolk today that they have a case before the SJC that should be decided in a couple of weeks—they have taken up the issue of whether a plea (vs a conviction after trial) can be reconsidered due to Dookhan / JP Lab challenges. We had previously taken the position that there were no distinctions between plea and trial, based on a fairness argument and that the facts coming to light re. Dookhan and the lab went to the knowing / intelligence of the waiver. We have NPed a handful of Dookhan guilty pleas. I think we should hold off NPing any more convictions resulting from guilty pleas until the SJC has ruled.

**Archived:** Tuesday, March 12, 2019 11:43:01 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Cc:** Conley, Daniel (SUF)  
**Subject:** Re: Your WBUR interview and letter to the IG  
**Sensitivity:** Normal

---

It usually is, but I'm not in the office and my Asst is out with an ailing father.  
I'll try and check.

----- Original Message -----

From: OKeefe, Michael (CPI)  
Sent: Monday, February 11, 2013 05:47 PM  
To: Leone, Gerard (NOR)  
Cc: Conley, Daniel (SUF)  
Subject: Re: Your WBUR interview and letter to the IG

Is that call in number ok Gerry?

Sent from my iPhone

On Feb 11, 2013, at 5:44 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Same for me, let's talk for 30 minutes.

>

> ----- Original Message -----

> From: Conley, Daniel (SUF)  
> Sent: Monday, February 11, 2013 05:35 PM  
> To: Leone, Gerard (NOR)  
> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
> Subject: Re: Your WBUR interview and letter to the IG

>

> Ok. I'll do 8. Tough for me. May have to check out at 8:30.

>

> On Feb 11, 2013, at 5:32 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> So we are talking at 8 a.m.?

>>

>> ----- Original Message -----

>> From: Conley, Daniel (SUF)  
>> Sent: Monday, February 11, 2013 05:32 PM  
>> To: Leone, Gerard (NOR)  
>> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
>> Subject: Re: Your WBUR interview and letter to the IG

>>

>> Yes.

>>

>> On Feb 11, 2013, at 5:31 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>>

>>> Ok. I take it you guys are asking me to hold off on the letter until we talk?

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>>> ----- Original Message -----

>>> From: Conley, Daniel (SUF)

>>> Sent: Monday, February 11, 2013 05:23 PM  
>>> To: Leone, Gerard (NOR)  
>>> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
>>> Subject: Re: Your WBUR interview and letter to the IG  
>>>  
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>>>> From: Conley, Daniel (SUF)  
>>>> Sent: Monday, February 11, 2013 04:21 PM  
>>>> To: Leone, Gerard (NOR)  
>>>> Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI)  
>>>> Subject: Re: Your WBUR interview and letter to the IG  
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>>>>  
>>>> On Feb 11, 2013, at 4:17 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:  
>>>>  
>>>>> If tomorrow a.m., I have meetings starting at 8:30, so can do before then. 8 a.m.?  
>>>>>  
>>>>> ----- Original Message -----  
>>>>> From: Conley, Daniel (SUF)  
>>>>> Sent: Monday, February 11, 2013 03:42 PM  
>>>>> To: Leone, Gerard (NOR); OKeefe, Michael (CPI)  
>>>>> Subject: Your WBUR interview and letter to the IG  
>>>>>  
>>>>> Gerry,  
>>>>>  
>>>>> Do you have some time tomorrow morning to discuss your interview with WBUR about the Hinton lab  
with Mike and me? We would also like to discuss your proposed letter to the IG. Let us know what time is  
good for you.  
>>>>>  
>>>>> Thanks,  
>>>>>  
>>>>> Dan C

**Archived:** Tuesday, March 12, 2019 11:43:09 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR); Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US)

**Cc:** Ellis, Sarah (NOR)

**Subject:** JP LAB RE: Dookhan Pleas

**Sensitivity:** Normal

---

Agreed.

---

**From:** Wechsler, Pamela (NOR)

**Sent:** Monday, February 11, 2013 4:39 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ellis, Sarah (NOR)

**Subject:** Dookhan Pleas

I learned from Suffolk today that they have a case before the SJC that should be decided in a couple of weeks—they have taken up the issue of whether a plea (vs a conviction after trial) can be reconsidered due to Dookhan / JP Lab challenges. We had previously taken the position that there were no distinctions between plea and trial, based on a fairness argument and that the facts coming to light re. Dookhan and the lab went to the knowing / intelligence of the waiver. We have NPed a handful of Dookhan guilty pleas. I think we should hold off NPing any more convictions resulting from guilty pleas until the SJC has ruled.

**Archived:** Tuesday, March 12, 2019 11:43:19 AM

**From:** Leone, Gerard (NOR)

**To:** Wong, Howard (NOR); Ramasci, Michelle (NOR); Ledoux, Susan (NOR); MacDonald, Diane (NOR)

**Subject:** Re: Your WBUR interview and letter to the IG

**Sensitivity:** Normal

---

Thx

----- Original Message -----

From: Wong, Howard (NOR)

Sent: Monday, February 11, 2013 07:55 PM

To: Ramasci, Michelle (NOR); Leone, Gerard (NOR); Ledoux, Susan (NOR); MacDonald, Diane (NOR)

Subject: Re: Your WBUR interview and letter to the IG

Yes the conference number correct.

Howard

=====  
Howard Wong  
Middlesex District Attorney's Office  
[REDACTED] | howard.wong@state.ma.us  
15 Commonwealth Ave,  
Woburn, MA 01801

----- Original Message -----

From: Ramasci, Michelle (NOR)

Sent: Monday, February 11, 2013 07:11 PM

To: Leone, Gerard (NOR); Ledoux, Susan (NOR); MacDonald, Diane (NOR); Wong, Howard (NOR)

Subject: Re: Your WBUR interview and letter to the IG

Sent too soon, sorry. Meant to add Howard, just to confirm that the number is still functioning properly.

----- Original Message -----

From: Ramasci, Michelle (NOR)

Sent: Monday, February 11, 2013 07:10 PM

To: Leone, Gerard (NOR); Ledoux, Susan (NOR); MacDonald, Diane (NOR)

Subject: Re: Your WBUR interview and letter to the IG

I don't see why not.

----- Original Message -----

From: Leone, Gerard (NOR)

Sent: Monday, February 11, 2013 06:05 PM

To: Ledoux, Susan (NOR); Ramasci, Michelle (NOR); MacDonald, Diane (NOR)

Subject: Fw: Your WBUR interview and letter to the IG

Can we use this con call tomorrow at 8 a.m.?

----- Original Message -----

From: OKeefe, Michael (CPI)  
Sent: Monday, February 11, 2013 05:32 PM  
To: Leone, Gerard (NOR); Conley, Daniel (SUF)  
Subject: Re: Your WBUR interview and letter to the IG

Gerry we will do it at 8 am. Can we call into 781 897 8888 with access code 0110642?

Sent from my iPhone

On Feb 11, 2013, at 4:42 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Mike, Let's talk at 8 a.m. I planned to send the letter tomorrow.

>

> ----- Original Message -----

> From: OKeefe, Michael (CPI)

> Sent: Monday, February 11, 2013 04:18 PM

> To: Leone, Gerard (NOR)

> Subject: Re: Your WBUR interview and letter to the IG

>

> Fine by me

>

> Sent from my iPhone

>

> On Feb 11, 2013, at 4:17 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> If tomorrow a.m., I have meetings starting at 8:30, so can do before then. 8 a.m.?

>>

>> ----- Original Message -----

>> From: Conley, Daniel (SUF)

>> Sent: Monday, February 11, 2013 03:42 PM

>> To: Leone, Gerard (NOR); OKeefe, Michael (CPI)

>> Subject: Your WBUR interview and letter to the IG

>>

>> Gerry,

>>

>> Do you have some time tomorrow morning to discuss your interview with WBUR about the Hinton lab with Mike and me? We would also like to discuss your proposed letter to the IG. Let us know what time is good for you.

>>

>> Thanks,

>>

>> Dan C

**Archived:** Tuesday, March 12, 2019 11:43:21 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI); Conley, Daniel (SUF)  
**Subject:** Re: Your WBUR interview and letter to the IG  
**Sensitivity:** Normal

---

Good to go. 8 a.m.

----- Original Message -----

From: OKeefe, Michael (CPI)  
Sent: Monday, February 11, 2013 05:32 PM  
To: Leone, Gerard (NOR); Conley, Daniel (SUF)  
Subject: Re: Your WBUR interview and letter to the IG

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Sent from my iPhone

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> Sent: Monday, February 11, 2013 04:18 PM  
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>> From: Conley, Daniel (SUF)  
>> Sent: Monday, February 11, 2013 03:42 PM  
>> To: Leone, Gerard (NOR); OKeefe, Michael (CPI)  
>> Subject: Your WBUR interview and letter to the IG

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>> Gerry,

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>> Do you have some time tomorrow morning to discuss your interview with WBUR about the Hinton lab with Mike and me? We would also like to discuss your proposed letter to the IG. Let us know what time is good for you.

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>> Thanks,

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>> Dan C



**Archived:** Tuesday, March 12, 2019 11:43:34 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** RE: IGO Letter  
**Sensitivity:** Normal

---

thanks

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Monday, February 11, 2013 9:05 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: IGO Letter

I spoke with Pat Haggan this afternoon- he wanted to know if we had additional info about other rogue chemists. I said no we were looking at the lab as a whole a that you were going to send the letter to the IG and cc the DAs. Per our discussion this morning, I didn't give him details.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, February 11, 2013 08:45 PM  
**To:** Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Re: IGO Letter

Ok, I'll get the final draft version tomorrow from you. Thanks for working on this. I think it's virtually certain that O'Keefe and Conley will ask me to refrain from sending it.

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Monday, February 11, 2013 08:15 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: IGO Letter

Working on it now to determine whether we should add anything specific to plea v. trial.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, February 11, 2013 8:15 PM  
**To:** Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: IGO Letter

Does this have what you wanted to ad re: Dookhan please, or is that version coming?  
We can talk in the a.m.  
thanks

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Monday, February 11, 2013 3:38 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** IGO Letter

Gerry: At the risk of driving you crazy, here is another final. MBL was kind enough to catch some additional typos. Thanks, Sarah



-----  
*Sarah Ellis | Director of District Courts*  
*Middlesex District Attorney's Office*  
*15 Commonwealth Ave., Woburn, MA 01801*  
[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 11:43:48 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Fw: JP LAB - IGO DRAFT letter with today's edits  
**Sensitivity:** Normal

---

Fyi

----- Original Message -----

From: Conley, Daniel (SUF)  
Sent: Wednesday, February 13, 2013 03:30 PM  
To: Leone, Gerard (NOR)  
Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI); Leone, Gerard (NOR)  
Subject: Re: JP LAB - IGO DRAFT letter with today's edits

Hi Gerry,

Your draft summarizes very clearly the issues raised regarding the functioning of the Hinton drug lab revealed thus far in discovery. It's well done. Like you, we in Suffolk County have no desire to defend the apparent deficiencies in the lab as we handle the hundreds, if not thousands of motions now filed and pending. At this point, however, we chose to argue the cases on purely legal grounds concerning the validity of the pleas taken. We have been successful in arguing (in MNT's and motions to vacate pleas) that the lab issues are essentially irrelevant. If we win at the SJC on the legal question of the validity of the pleas, this will quickly resolve 95+ % of the cases. Tomorrow I will send you and our colleagues our memorandum of law for your use and consideration.

I appreciate the confidential nature of your letter. My recommendation is that you hold off sending it and seek answers in a meeting or phone call with the IG. We are of course Independent, so I understand that you may have a different view.

Thanks for considering my thoughts.

Take care,

Dan C

On Feb 12, 2013, at 5:36 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Mike and Dan:  
> See the draft letter attached that we have reworked after our conversation this a.m. Thank you for your input.  
> I suggest that I send it to the IG, cc'ing you both and Tara, (consider cc'ing the AGO and USAO, where they have cases too) and indicating that this letter is confidential and not intended to be shared outside of those on the letter.  
> Thoughts?  
> Thanks,  
> Gerry  
>  
> [cid:182393322@12022013-2811]Gerard T. Leone, Jr. | Middlesex District Attorney  
> 15 Commonwealth Ave., Woburn, MA 01801  
> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com/>>  
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>

> <IGO Letter Feb 12, 2013.doc>

> <image001.png>

> <image004.jpg>

**Archived:** Tuesday, March 12, 2019 11:43:50 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** RE: IGO Letter  
**Sensitivity:** Normal

---

What about it?

Maybe we just see things differently.

Some will see the political side of it, some substantive.

Either way, it's not our fault that we have a different view and approach.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Monday, February 11, 2013 9:06 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: IGO Letter

Suffolk was all worked up over the WBUR interview.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, February 11, 2013 09:04 PM  
**To:** Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: IGO Letter

Agreed

I wish the Das had not been apprised and wanted to weigh in.

They will want a copy to review.

I am at a loss to respond, no; but could provide it to them telling them it's going regardless.

Some may then want to sign on.

It becomes complicated.

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Monday, February 11, 2013 9:01 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: IGO Letter

Here it is with one minor edit in the last conclusion section. I'll bring you a hard copy tomorrow as well.

For what it's worth, I think we need to send to the IGO given that we've stated we would. Also, I'm proud that we're doing this – as we discussed earlier, it's information we've had, it doesn't seem right to just sit on it and not try to compel action. In terms of the day-to-day with the ADAs who are standing up in court asking for more time, or taking the tricky position that we don't have a position before a court who wants a hearing, I think they'll be grateful that we're taking a stand.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, February 11, 2013 8:46 PM  
**To:** Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** Re: IGO Letter

Ok, I'll get the final draft version tomorrow from you. Thanks for working on this. I think it's virtually certain that O'Keefe and

Conley will ask me to refrain from sending it.

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Monday, February 11, 2013 08:15 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: IGO Letter

Working on it now to determine whether we should add anything specific to plea v. trial.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, February 11, 2013 8:15 PM  
**To:** Ellis, Sarah (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** RE: IGO Letter

Does this have what you wanted to ad re: Dookhan please, or is that version coming?  
We can talk in the a.m.  
thanks

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Monday, February 11, 2013 3:38 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Wechsler, Pamela (NOR)  
**Subject:** IGO Letter

Gerry: At the risk of driving you crazy, here is another final. MBL was kind enough to catch some additional typos. Thanks, Sarah



*Sarah Ellis | Director of District Courts*  
*Middlesex District Attorney's Office*  
*15 Commonwealth Ave., Woburn, MA 01801*  
[REDACTED] | [sarah.ellis@state.ma.us](mailto:sarah.ellis@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 11:43:56 AM  
**From:** Maguire, Tara (DAA)  
**Sent:** Tue, 12 Feb 2013 07:18:01  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab, MDAO budget numbers  
**Sensitivity:** Normal

---

Thank you, DA Leone.

On Feb 11, 2013, at 9:11 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Tara, these are our numbers put in the form similar to Suffolk for consistency sake.  
Thanks

---

**From:** Towle, John (SUF)  
**Sent:** Friday, February 08, 2013 12:11 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Cc:** Maguire, Tara (DAA); McNally, Mary (WES); Wechsler, Pamela (NOR); Petruzzello, Luciano (SUF); DAA-DL-CFO  
**Subject:** Important revisions

Hi everyone,

District Attorney Conley asked that I forward along these revised figures for Suffolk. We apologize up front for not catching our own oversight sooner, and hope this doesn't create any problems for you, but we feel that these are the most accurate numbers to work off of and present to SWM. In our original numbers, while we credited the cost of the staff salaries in the new unit as funds we've already expended, we mistakenly placed all of the promotions and new hires we've already made to fill those gaps into future cost projections. The revised budget places the salary differentials for those we've promoted and hired into the "already expended" column, while those we intend to transfer to the unit in the next week, plus the added promotions and added we project to replace them, are now in the future projected spending column.


John

<JP HINTON CRIME LAB EXP SUMMARY SHEET only-2-11 with sal combined.xlsx>

**Archived:** Tuesday, March 12, 2019 11:44:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Conley, Daniel (SUF)  
**Cc:** OKeefe, Michael (CPI)  
**Bcc:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Leone, Gerard (NOR)  
**Subject:** RE: JP LAB - IGO DRAFT letter with today's edits  
**Sensitivity:** Normal

---

Thanks guys. Thanks for your thoughts Dan.  
I want to think about next steps with the IG.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Conley, Daniel (SUF)  
Sent: Wednesday, February 13, 2013 3:30 PM  
To: Leone, Gerard (NOR)  
Cc: Conley, Daniel (SUF); OKeefe, Michael (CPI); Leone, Gerard (NOR)  
Subject: Re: JP LAB - IGO DRAFT letter with today's edits

Hi Gerry,

Your draft summarizes very clearly the issues raised regarding the functioning of the Hinton drug lab revealed thus far in discovery. It's well done. Like you, we in Suffolk County have no desire to defend the apparent deficiencies in the lab as we handle the hundreds, if not thousands of motions now filed and pending. At this point, however, we chose to argue the cases on purely legal grounds concerning the validity of the pleas taken. We have been successful in arguing (in MNT's and motions to vacate pleas) that the lab issues are essentially irrelevant. If we win at the SJC on the legal question of the validity of the pleas, this will quickly resolve 95+ % of the cases. Tomorrow I will send you and our colleagues our memorandum of law for your use and consideration.

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Dan C

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> I suggest that I send it to the IG, cc'ing you both and Tara, (consider cc'ing the AGO and USAO, where they have cases too) and indicating that this letter is confidential and not intended to be shared outside of those on the letter.  
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>  
> <IGO Letter Feb 12, 2013.doc>  
> <image001.png>  
> <image004.jpg>

**Archived:** Tuesday, March 12, 2019 11:44:02 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** RE: JP LAB - IGO DRAFT letter with today's edits  
**Sensitivity:** Normal

---

Thanks Mike.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: OKeefe, Michael (CPI)  
Sent: Wednesday, February 13, 2013 3:16 PM  
To: Leone, Gerard (NOR)  
Subject: Re: JP LAB - IGO DRAFT letter with today's edits

Gerry this is a well put together exposition of the layers of problems at the DPH facilities . I still believe it is premature but perhaps that's because I had the benefit of an extensive meeting with the IG where I and Dan raised many of the same issues .

However that being said you have every right to raise these questions and its not said in the letter that you have made any final decisions re the ' non Anne Dookhan cases . I mention this only in connection with the issue of defense counsel using it against other offices . As long as it remains confidential among the recipients , it may be helpful to the IG.

Thank you for listening.  
Sent from my iPhone

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>

> <IGO Letter Feb 12, 2013.doc>

> <image001.png>

> <image004.jpg>

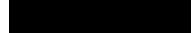
**Archived:** Tuesday, March 12, 2019 11:44:06 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** RE: JP LAB - IGO DRAFT letter with today's edits  
**Sensitivity:** Normal

---

Sure, working document.

We can team back now that they have provided us their thoughts.

I have to blast soon. I'll be in after I speak tomorrow at a conference about 11 for the rest of tomorrow. We 3 can catch up then.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 13, 2013 4:24 PM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB - IGO DRAFT letter with today's edits

I have received more discovery and would like to add a couple of quotes and cites to the body of the memo, ok?

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 13, 2013 3:38 PM  
To: Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
Subject: Fw: JP LAB - IGO DRAFT letter with today's edits

Fyi Confidential and internal only.

----- Original Message -----

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>  
> <IGO Letter Feb 12, 2013.doc>  
> <image001.png>  
> <image004.jpg>

**Archived:** Tuesday, March 12, 2019 11:44:12 AM

**From:** Conley, Daniel (SUF)

**Sent:** Thu, 14 Feb 2013 17:24:58

**To:** Leone, Gerard (NOR)

**Subject:** Re: Memorandum of law in opposition to defendants' motions to withdraw guilty pleas based on claims of failures at the DPH Hinton drug laboratory

**Sensitivity:** Normal

---

Thanks Gerry.

On Feb 14, 2013, at 5:14 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

Dan, Thank you to you and your staff for your work and leadership on this important issue to all of us.

<image004.jpg>Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Conley, Daniel (SUF)

**Sent:** Thursday, February 14, 2013 4:32 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** Memorandum of law in opposition to defendants' motions to withdraw guilty pleas based on claims of failures at the DPH Hinton drug laboratory

Hi All-

Attached, please find a copy of a memorandum of law in opposition to defendants' motions to withdraw guilty pleas based on claims of failures at the DPH Hinton drug laboratory that we have been routinely filing in Suffolk.

As a practical matter, this opposition memo reminds the court that unresolved factual questions of what occurred in the JP lab are not at issue in these motions. Rather, the issue to be resolved by these motions is whether or not a defendant, who, while represented by competent counsel and after an extensive colloquy with a judge, admits his guilt knowingly, intelligently and voluntarily in open court, should be allowed to withdraw that plea in light of a change in circumstance in the Commonwealth's case, well after his plea was accepted. One of the rhetorical tools our prosecutors have been using in argument is to remind the court that if the defendant's position were to be adopted, then the Government would be obligated to maintain a prosecutable case in perpetuity. If this were so, whenever the Government's case becomes weaker, for instance if a witness passes away or a victim recants, then a defendant would be permitted to withdraw his plea. If this interpretation was adopted, then no plea would ever truly be final.

Stepping back from the DPH lab cases, when we consider that the overwhelming majority of all cases are resolved by plea, this is a critical question which must be answered by the SJC. Members of my staff and I recently met with Anthony Benedetti, Randy Gioia, and Nancy Bennett from CPCS and explained our position. I expressed my belief that it is in everyone's best interest to have this question decided as soon as possible as it

will inform our posture on the DPH cases going forward. Without speaking expressly for them, I would say that Anthony and his team seemed to agree that getting this question before the SJC as soon as possible was something they would support. To that end, we have two cases where pleas were vacated for which we intend to petition for direct appellate review and expedited briefing. Presuming the SJC grants both petitions, we hope to argue these cases as early as May, with a decision potentially as early as July or August. Once these cases are docketed in the SJC, we will move to stay all pending motions to vacate pleas state-wide until the Court renders its opinion, saving the Commonwealth millions of dollars in needless litigation. (We have thus far argued about a dozen of these motions. Aside from the two cases mentioned above, one other motion to vacate was allowed, one was denied without prejudice, evidentiary hearings were ordered in two cases though those hearings have yet to be scheduled, and the balance remain under advisement.)

One final point; in Suffolk County we have been assenting to motions for new trial in virtually all cases where Annie Dookhan was the custodial or confirmatory chemist and where the defendant contested his guilt at trial. In a few cases, we have opposed motions for new trial even when Dookhan was one of the two chemists if the defendant testified at trial as to the weight and composition of the drugs in a personal use defense.

Because of the enormous consequence of the withdrawal of guilty plea issue, and because thus far acting in as close unison as possible has served us reasonably well through this crisis, I hope you will find this motion and the accompanying cheat sheet for your ADAs informative and helpful. If any of you have any questions, please let me know.

Dan C

**Archived:** Tuesday, March 12, 2019 11:44:22 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR)

**Subject:** Re: Memorandum of law in opposition to defendants' motions to withdraw guilty pleas based on claims of failures at the DPH Hinton drug laboratory

**Sensitivity:** Normal

---

Sure

----- Original Message -----

From: Wechsler, Pamela (NOR)

Sent: Thursday, February 14, 2013 08:30 PM

To: Leone, Gerard (NOR)

Subject: RE: Memorandum of law in opposition to defendants' motions to withdraw guilty pleas based on claims of failures at the DPH Hinton drug laboratory

Thanks. Pat Haggan sent me their motion earlier in the week.

Ok if I forward this email to our JP team?

---

From: Leone, Gerard (NOR)

Sent: Thursday, February 14, 2013 5:14 PM

To: bethany.stevens@state.ma.us; Sahakian, James (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)

Subject: FW: Memorandum of law in opposition to defendants' motions to withdraw guilty pleas based on claims of failures at the DPH Hinton drug laboratory

fyi

[cid:474201422@14022013-3232]Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com>>

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---

From: Conley, Daniel (SUF)

Sent: Thursday, February 14, 2013 4:32 PM

To: DAA-DL-DA&EXEC.ASST

Subject: Memorandum of law in opposition to defendants' motions to withdraw guilty pleas based on claims of failures at the DPH Hinton drug laboratory

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Dan C

**Archived:** Tuesday, March 12, 2019 11:44:33 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: Dookhan Decision Update  
**Sensitivity:** Normal

---

Thanks Pam.  
Good news. I'll read later.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Friday, February 15, 2013 01:21 PM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: FW: Dookhan Decision Update

Gerry, I want to make you aware of two recent Chernoff decisions that came out in our favor. One denied a defense motion to withdraw a guilty plea on a drug and gun case. The other denied a defendant's motion to withdraw a guilty plea on the conspiracy portion of a guilty plea. We had not opposed the drug portion of that plea but, as discussed, we will be opposing these motions in the future. I have forwarded the Judge's findings to SCDAO as they have been sharing their information with us.

**Archived:** Tuesday, March 12, 2019 11:44:40 AM

**From:** Leone, Gerard (NOR)

**Sent:** Fri, 15 Feb 2013 21:32:52

**To:** 'MSegal@aclum.org'

**Cc:** 'bdougan@famm.org'; 'CRose@aclum.org'; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Long, MaryBeth (NOR); Leone, Gerard (NOR)

**Subject:** JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

**Sensitivity:** Normal

---

Matt,

The only additional information that we have received since the last time we corresponded, is additional discovery from the AGO.

Pam Wechsler, our MDAO Legal Counsel who oversees our JP Lab Superior Court team, and Sarah Ellis, who oversees our District Court JP Lab teams, are disseminating that information to our ADAs for disclosure.

Gerry

---

**From:** Matt Segal [mailto:MSegal@aclum.org]

**Sent:** Friday, February 15, 2013 09:23 PM

**To:** Leone, Gerard (NOR)

**Cc:** 'bdougan@famm.org' <bdougan@famm.org>; Carol Rose <CRose@aclum.org>; Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Long, MaryBeth (NOR)

**Subject:** RE: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Gerry,

Thank you very much for your response to my message last week. I appreciate that you are taking a careful look at these issues, and that you are trying to get all the facts. Particularly if you've had the chance to gather additional information this week, I'd be grateful for the opportunity to discuss these issues with you.

Best,

Matt

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]

**Sent:** Friday, February 08, 2013 12:33 PM

**To:** Matt Segal

**Cc:** 'bdougan@famm.org'; Carol Rose; Ellis, Sarah (DAA); Wechsler, Pamela (DAA); Pelgro, Michael (NOR); Leone, Gerard (DAA); Long, MaryBeth (DAA)

**Subject:** JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Matt,

We at the MDAO continue to conduct a comprehensive and contemplative assessment of the issues surrounding the Hinton Drug Lab in J.P., balancing a proper approach to making good factual/legal decisions in these matters on behalf of the public who we protect and serve, with the interests of those charged with crimes where the Hinton Lab professionals are witnesses and the larger aims of justice and fairness within the CJS.

Based on the information, discovery and materials we have been provided to date from the DPH; what we are understand to be interviews and admissions of the DPH staff; the MSP who were assigned through EOPSS; and the MA AGO; we have questions and concerns about practices, protocols and policies within the Lab between 2003-2012 which may impact our ability to pursue cases under the very high burdens of proof and persuasion within the CJS.

Therefore we continue to consider the nature and scope of the allegations against Chemist Dookhan, the basis for those allegations that have been provided to us, the information that we have received about the Lab beyond just Chemist Dookhan, and the nature of informational disclosures that have been made to us from the aforementioned agencies in our

ongoing consideration of how to deal with these cases.

We are however, awaiting whether there is further information from the pending IGO investigation that we will need to consider before making decisions around resolving the cases in question with a level of finality. Towards that end, I expect to have related communication with the IG next week, providing him what we understand to be the present state of information regarding these matters, and asking for any updates.

Gerry

---

**From:** Matt Segal [mailto:MSegal@aclum.org]  
**Sent:** Friday, February 08, 2013 12:11 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** 'bdougan@famm.org' <bdougan@famm.org>; Carol Rose <CRose@aclum.org>; Ramasci, Michelle (NOR); Ellis, Sarah (NOR); Walker, Jodi (NOR); Ryan, Marian (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Subject:** RE: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Hello Gerry,

I'm writing to follow up on our October 2012 correspondence about the drug lab scandal. I have subsequently heard some encouraging news about how your office is handling cases, including this [story](#) at WBUR.

I wonder if you might be willing to share more information about your office's thinking about and approach to these cases. It seems possible that we at the ACLU might be able to send some praise your way, but first I'd like to be sure that I correctly understand the situation.

Best regards, and good luck with the blizzard.

Matt

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts  
211 Congress Street  
Boston, MA 02110  
Tel: [REDACTED]  
Web: [www.aclum.org](http://www.aclum.org)

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]  
**Sent:** Thursday, October 11, 2012 4:32 PM  
**To:** Matt Segal  
**Cc:** 'bdougan@famm.org'; Carol Rose; Ramasci, Michelle (DAA); Ellis, Sarah (DAA); Walker, Jodi (DAA); Ryan, Marian (DAA); Wechsler, Pamela (DAA); Pelgro, Michael (DAA); Leone, Gerard (DAA)  
**Subject:** Re: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Agreed Matt.

Heightened systemic effectiveness should be a goal of all in and served by the CJS.

Thanks.

Gerry

**Archived:** Tuesday, March 12, 2019 11:44:49 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'MSegal@aclum.org'  
**Subject:** Re: p.s.  
**Sensitivity:** Normal

---

The week after will be good.

---

**From:** Matt Segal [mailto:MSegal@aclum.org]  
**Sent:** Friday, February 15, 2013 09:37 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: p.s.

That sounds good. I'll call your office next week to ask about a good time to stop by.

Best,  
Matt

---

**From:** Leone, Gerard (DAA) [mailto:gerard.leone@state.ma.us]  
**Sent:** Friday, February 15, 2013 9:34 PM  
**To:** Matt Segal  
**Subject:** Re: p.s.

Feel free to come by the office, and I'll have Sarah and Pam attend.

---

**From:** Matt Segal [mailto:MSegal@aclum.org]  
**Sent:** Friday, February 15, 2013 09:30 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** p.s.

Gerry,

I should add that the forum for such a discussion is completely up to you. I'd be perfectly happy just to hear about your thought process over coffee. It doesn't have to be a large, official meeting, and I'm open to ground rules that might make it easier to talk.

Best,  
Matt

---

**From:** Matt Segal  
**Sent:** Friday, February 15, 2013 9:24 PM  
**To:** 'Leone, Gerard (DAA)'  
**Cc:** 'bdougan@famm.org'; Carol Rose; Ellis, Sarah (DAA); Wechsler, Pamela (DAA); Pelgro, Michael (NOR); Long, MaryBeth (DAA)  
**Subject:** RE: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

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**Subject:** Re: JP LAB - RE: Letter from ACLU of Massachusetts and FAMM concerning the lab scandal

Agreed Matt.

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Thanks.

Gerry

**Archived:** Tuesday, March 12, 2019 11:44:56 AM

**From:** Leone, Gerard (NOR)

**Sent:** Sat, 16 Feb 2013 16:23:42

**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)

**Subject:** JP LAB : Essex DAO SJC Stay of release - WBUR 2-15-13, Essex DA

**Sensitivity:** Normal

---

## **Mass. High Court May Rule On Drug Lab Cases**

**By Deborah Becker, WBUR, February 15, 2013**

<http://www.wbur.org/2013/02/15/justice-stay-release-drug-lab-scandal>

- BOSTON — A Massachusetts Supreme Judicial Court justice has agreed to stay the potential release of a defendant convicted in a case in which evidence was tested by former chemist Annie Dookhan. It's the first move in what is ultimately a case that questions the authority of the special magistrates who are reviewing cases involving the state drug lab crisis.
- Essex County prosecutors asked (PDF) the high court to put off the stay of the man's sentence until later this month, when they plan to file a motion that questions whether the magistrates have the power to stay sentences while motions for a new trial are pending. The sentences are for those convicted on evidence tested by Dookhan.
- She has been charged with manipulating drug tests, potentially compromising tens of thousands of criminal cases. The state has set up special court sessions where magistrates are reviewing those cases. Hundreds of sentences have been stayed; dozens of defendants have been released.
- The prosecutors asked for the stay as they prepare to file another motion this month, which, they say, "will raise substantial claims of irremediable error, or systemic misapplication of the law requiring the Court's intervention."
- Supreme Judicial Court Justice Margot Botsford on Friday allowed (PDF) the prosecutors' emergency motion to stay the defendant's potential release, until further notice by the court. This is the first time the state's highest court has taken up a case involving the drug lab crisis.
- The defendant in this case pleaded guilty to drug and gun charges in 2010. In December, he asked for a new trial because the drugs were tested by Dookhan at the now-closed Hinton lab in Jamaica Plain. Last month, a special magistrate allowed a stay of his sentence and said he could be released on \$5,000 bail with conditions such as wearing a GPS monitoring device.
- Related: Interview with Essex District Attorney Jonathan Blodgett:  
If you click on above link, this will bring you to text and to online piece with DA Blodgett



**Archived:** Tuesday, March 12, 2019 11:46:51 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab  
**Sensitivity:** Normal

---

Thanks

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Saturday, February 16, 2013 05:26 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab

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**From:** Leone, Gerard (NOR)  
**Sent:** Saturday, February 16, 2013 05:14 PM  
**To:** Wechsler, Pamela (NOR); Leone, Gerard (NOR)  
**Subject:** JP LAB: Lab Staff Issues - Amherst Lab

What is the plan for the Hinton Lab going forward regarding pending and new work, given that their staff is presently on admin leave, and does this not impact us because we left the Hinton lab for the SPCL for all our drug work in 2009???

Thanks

---

**From:** Maguire, Tara (DAA)  
**Sent:** Friday, February 15, 2013 1:28 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Amherst Lab

To the DAs,

Major Connolly asked that I forward you the attached letter regarding the Amherst Lab and the status of the Sudbury Lab.

Thank you,  
Tara

---

**From:** Connolly, James, Major (POL)  
**Sent:** Thursday, February 14, 2013 1:43 PM  
**To:** Maguire, Tara (DAA)  
**Cc:** Sullivan, Kristen (POL); Juhascik, Matthew (POL); Brooks, Nancy (POL)  
**Subject:** Amherst Lab

Hi Tara,


Attached please find information regarding the Amherst Laboratory. Could you please send this to DA's Capeless, Sullivan and Mastroianni? If possible, could they forward the submission information to the Police Departments in their counties?

Also, can you send the Amherst letter to all of the DA's?

Starting tomorrow I will ask Sharon Salem to begin to contact all of the police agencies that formerly submitted to the Amherst

Lab to bring their drug analysis requests to the UMMC.

Thanks for your help.

Major James M. Connolly  
Massachusetts State Police  
Forensic and Technology Center  
124 Acton Street  
Maynard, Ma 01754  


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**Archived:** Tuesday, March 12, 2019 11:47:13 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab  
**Sensitivity:** Normal

---

Agreed

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Saturday, February 16, 2013 06:52 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab

A lot will also depend on how quickly the SJC rules on the pleas.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Saturday, February 16, 2013 06:52 PM  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab

My sense is that it won't happen in that blanket fashion for a few reasons.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Saturday, February 16, 2013 06:42 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab

Unless everyone decides that the Lab can't be trusted.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Saturday, February 16, 2013 06:29 PM  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab

The Court is going to have thousands of cases stuck in limbo. And the rest of the DAs that use Hinton are gonna be in a real problem with all drug cases since Dookhan b/c there aren't any chemists to work them.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Saturday, February 16, 2013 05:26 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP LAB: Lab Staff Issues - Amherst Lab

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**Archived:** Tuesday, March 12, 2019 11:47:30 AM

**From:** Leone, Gerard (NOR)

**Sent:** Sun, 17 Feb 2013 18:13:58

**To:** Long, MaryBeth (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Mahon, Patrick (NOR); Barrett, Elizabeth (NOR); Willis, Elisha (NOR); Bulman, Paul (NOR); Sullivan, Tom (NOR); Mahon, Patrick (NOR)

**Cc:** Leone, Gerard (NOR)

**Subject:** RE: MWDN 2-17-13, Drug money pads DA, police budgets

**Sensitivity:** Normal

---

FYI all.

**Drug money pads DA, police budgets**

**By Jessica Trufant and Laura Krantz, MetroWest Daily News, February 17, 2013**

<http://www.metrowestdailynews.com/news/x1522324581/Drug-money-pads-DA-police-budgets>

- Massachusetts law enforcement officials in the past three years have seized as much as \$33 million in cash, cars, cell phones, bank accounts and other property in the name of stopping drug crime.
- But loose forfeiture laws and a lack of transparency in accounting make it nearly impossible to determine exactly where the money comes from and how local police and district attorneys spend it.
- The state's 11 district attorneys deposited a combined \$16.8 million in their forfeiture accounts during fiscal years 2009, 2010 and 2011, the most recent data available. District attorneys split proceeds with local and state police, meaning \$33.6 million was potentially seized in three years. State records don't account for local shares, so the distribution isn't clear.
- Police say they have every right to seize property that helps criminals carry out their work. But because police do not have to charge a person with a crime to seize his or her property, experts say the practice turns the American principle of innocent until proven guilty on its head.
- And amid fallout from the Annie Dookhan state drug lab scandal - in which the Franklin resident faces allegations she faked or lied about drug test results in thousands of criminal cases in her role as a state chemist - officials from all sides are asking whether law enforcement might soon be forced to return some seized assets, if convictions are overturned and drug criminals are set free.
- **Cash and cars**
  - Massachusetts General Law, Chapter 94C, Section 47, allows law enforcement officers to take anything they have probable cause to believe was proceeds of or used in a drug crime.
  - In addition to the drugs, police can take cars, any money they find or anything else they believe they can prove was obtained through drug dealing or involved in the crimes.
  - "It's usually cash and cars," said Natick attorney Daniel Cappetta, who handles drug cases daily in Framingham District Court. [\[Former MDAO ADA and CBJ ADA\]](#)
  - He said sometimes police take nothing, while other times they take items he said seem only loosely tied to alleged crimes.
  - "I can point to a number of different times when I've seen police seize things that I thought was unfair to the individual," he said.

- Milford Police Chief Tom O'Loughlin said police seize property not only as evidence but to punish drug dealers.
- "They know we seize cars if you're selling drugs," said O'Loughlin.
- Framingham Police collected \$862,163 in fiscal 2012 and \$285,913 in fiscal 2011, according to Chief Steven Carl. In Milford, police seize about \$50,000 annually, O'Loughlin said.
- Of the combined \$16.8 million district attorneys deposited in 2009, 2010 and 2011, Bristol County DA Samuel Sutter's office collected the most, \$3.4 million. Middlesex County followed with \$2.6 million in deposits and Worcester County deposited \$2.2 million.
- Middlesex District Attorney Gerry Leone said seizing property is as much a deterrent for criminals as it is a way to fund more crime fighting. As a result, police usually don't seize property that would cost more for upkeep, he said, like a dilapidated home or a car with many payments owed.
- "At the end of the day, it's a business decision," Leone said.
- He said there is not a conflict of interest when police get paid for pursuing drug crime.
- "We never make a decision whether to do a case on what the proceeds will be. That's a very dangerous area," Leone said.
- Newton attorney Randall Power disagreed.
- "They're going to say that it is a penalty to the drug dealer - to penalize him - but it's also a way to complement their budget," he said.
- In the past five years, the Middlesex DA's office seized 515 cars, according to records obtained from Leone's office through a public records request. However, that data includes some vehicles seized for reasons besides drug crimes.
- Among cars seized in 2012 were a 1998 Pontiac Firebird, a 1991 Porsche 928, a 2006 Mercedes S430, a 2001 Honda Odyssey minivan and many Honda Civics and Toyota Camrys.
- Police in Middlesex County also have seized cell phones, computers, an engagement ring, GPS devices and Lottery scratch tickets, according to the records.
- **Tangled up in Dookhan?**
- Franklin chemist Annie Dookhan last fall was charged with evidence tampering in 34,000 drug cases across the commonwealth.
- "There's the potential of tremendous problems for the state if a judge determines that some or many of the forfeitures need to be reversed," said Richard Eustis, a Southborough attorney whose client is one of hundreds who have been released.
- Leone's office cancelled its 2012 vehicle auction because of uncertainty about the drug lab cases.
- But Leone said a person restored of his or her civil liberty is not necessarily entitled to get his or her vehicle back, especially because police only need to be 51 percent sure property could be connected with drug crime in order to take it. [The writer does not seemingly understand this concept of in rem process and standards of proof; as well as personal liberty interests versus property interests and the differences as far as MDAO and LE priorities]
- Eustis argues that many clients simply admit to sufficient facts, not guilt. If charges are dismissed because evidence was tainted, he said, a person should get his or her property back.

- "There are many people in the legal field who have never been comfortable with the seizure of property with a probable cause standard, and this situation shows why," Eustis said.
- **Free cash?**
- When law enforcement officials seize property, they deposit it into special bank accounts separate from annual budgets. DAs submit a one-page annual report to the Legislature about the forfeiture account, but otherwise the spending goes essentially unmonitored, except for an audit every three years.
- Forfeiture laws roughly outline how the money should be used, but records obtained by the Daily News show most spending falls into a nondescript category called "other law enforcement purposes."
- District attorneys were reticent to explain how they spend the money, saying they did not want to compromise their investigatory tactics by sharing too much detail.
- In Middlesex County, the DA's office deposited \$740,826.86 in fiscal year 2011, records show.
- The largest amount, \$220,370, was spent on "other law enforcement purposes", followed by \$149,515 of additional money given to local police departments. "Technical equipment or expertise" accounted for \$65,800, and \$32,167 went to "protracted investigations." In the end, \$3,124 – just 0.4 percent of the total – was returned to claimants.
- In Worcester County, "other law enforcement purposes" include everything from purchasing bottled water, office supplies and furniture, to paying for printing and attendance at conferences, accounting records show.
- Officials say they do not spend the drug money on salaries, but their pattern of spending it on daily operations raises the question of whether they could operate without it.
- An audit of the Worcester County District Attorney Joseph Early's office, released Friday by state Auditor Suzanne Bump's office, found the accounting of forfeiture funds disorganized and incomplete. It found the money was spent on everything from a Zamboni ice resurfacing machine to \$15,000 for tree-trimming services, which are legal uses.
- A statement from Early's office says district attorneys work to not only prosecute crime, but prevent it, and providing children with afterschool activities and a place to play furthers that mission.
- "(Early) believes that an aggressive, proactive approach to preventing crime is one of the best uses of funds that are confiscated from the drug dealers that are ruining our neighborhoods. The law enforcement purpose for the use of these funds is very clear: it is the prevention of crime," it says.
- An audit of the Bristol County District Attorney's office, also released Friday, found similar lapses in record keeping, including \$126,000 in grant money erroneously deposited in the forfeiture account and a \$700,000 discrepancy between the Seized Fund Logbook and the bank account balance.
- In Worcester County between fiscal 2009 and 2011, records show the DA's office spent \$152,000 in forfeiture funds on office furniture, supplies and equipment – not including telephones, telecommunication or IT costs, on which that office spent another \$101,086.
- The law allows up to 10 percent of forfeiture funds to be used for drug rehabilitation and education, and other anti-drug or neighborhood watch programs.
- In all, the audit found the Worcester DA's office spent \$205,000 in the 15-month audit period on community activities.

- In Middlesex County, Leone described the youth programs he funds with drug money, including a summer jobs program to discourage teens from selling drugs. In both 2011 and 2012, his office donated \$100,000 of drug forfeiture money to 11 community programs.
- Leone said the money also buys equipment that helps with surveillance, and pays for trial experts and operating expenses. He said his office doesn't rely on the money but likes to know it's there.
- "We never know how bad the economy and the budgets are going to get," he said.
- Police departments use proceeds in similar ways. O'Loughlin said the Milford department's Town Meeting appropriation for radios wasn't enough to cover the cost, so he made up the difference with seized drug money.
- "If there's equipment the department has a need for, and funds are tight as far as the budgeting process, we'll use the money for that," he said.
- In Framingham, Carl said his department uses the money to pay for trainings, vehicles, undercover drug buys and overtime for undercover operations.
- **Punishment before a crime?**
- Sudbury attorney Mark Helwig said the forfeiture law unfairly separates the criminal conviction from the civil forfeiture.
- He said many clients don't fight the civil cases because they are focused on their criminal convictions or can't pay for an attorney to represent them in the civil case, since the law does not grant court-appointed attorneys for the civil case as it does in criminal proceedings.
- "I'm kind of against punishment that happens before something's been proven," he said.
- Leone said his office goes after sophisticated, dangerous drug lords, where seizures can stymie vast drug dealing operations.
- But local attorneys say they deal more often with police who seize beat-up cars of clients charged with relatively minor drug infractions.
- Natick attorney Cappetta said police seizing a 1998 Honda Civic or \$500 don't break up a major trafficking operation, but the seizure does eliminate means for that person to pursue an honest living.
- "All they do is sort of increase the cycle of poverty that may have put him in the position to deal drugs in the first place," he said.



**Archived:** Tuesday, March 12, 2019 11:47:42 AM  
**From:** Leone, Gerard (NOR)  
**Sent:** Wed, 20 Feb 2013 10:57:27  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** JP LAB: IGO Investigation, present status  
**Sensitivity:** Normal

---

I think we should wait for the meeting with the IGO that was supposed to be set up to occur, before we use any of this information below that was provided to me by the IG.  
However, if we need to, we can use this information generally as framed below, without direct or specific attribution to the IG as the source - only after authorization from you or me.

It is our understanding that the IG investigation is pending and continuing in a very active manner, and that findings are anticipated by the end of the MA state fiscal year.

We also understand that the IGO has hired forensic lab experts and an IT/eDiscovery vendor, who working with the IGO team.

Furthermore, it is our understanding that the forensic lab experts will review the policies and procedures at the Hinton Lab and make a determination against a "best practices" standard; and make findings whether lab personnel properly followed those policies and procedures.

We are confident that Chemist Dookhan violated policies at the lab based upon the information and materials that we have received, which contain her own admissions to such violations.

It is our hope that the IGO review will also provide an independent perspective on the lab operations.

Lastly, it is our understanding that a thorough inventory of Lab matters has been completed in anticipation of the hired experts starting their work, while the IGO continues to work with the MSP to provide further discovery to prosecutors through DPH, which has been tasked with the responsibility for responding to discovery requests, including but not limited to outstanding prosecution requests for powder sheets and control cards.

**Archived:** Tuesday, March 12, 2019 11:47:46 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** RE: JP LAB: IGO Feb 2013 Letter  
**Sensitivity:** Normal

---

Agreed. Let me reframe his response to me in a manner that our people can use it in court and pleadings, without direct attribution to the IG.  
Will send along momentarily.

-----Original Message-----

From: Ellis, Sarah (NOR)  
Sent: Wednesday, February 20, 2013 10:44 AM  
To: Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

The 3-4 month time frame (may june?) is very helpful to know, as that's information we can express in court as we try to get continuances pending the outcome of their investigation. I can't imagine that the invest comes out that JP Lab was adhering to best practice standards, but (as you know) that's the determination we're waiting on when we ask for continuances.

=====  
Sarah Ellis | Director of District Courts Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | sarah.ellis@state.ma.us

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-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 10:12 AM  
To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Yes, please confirm.

Agreed. I don't think we need the IG findings to make decisions about certain of our cases, but w/o their findings and final report, we can't make wholesale decisions either.  
We can make some decisions re: some classes of cases though.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 20, 2013 10:04 AM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

The meeting for next week was canceled and, as far as I know it was not rescheduled. I can touch base with Audrey Mark to confirm.

I think that, regardless of their findings, we need to continue on with our own findings. I'm not sure that powder sheets and control cards will have much of an impact, given everything else we know.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 9:54 AM  
To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Fw: JP LAB: IGO Feb 2013 Letter

Fyi, any thoughts before I respond?  
I thought the meeting next week was cancelled?

----- Original Message -----

From: Cunha, Glenn (IGO) [<mailto:cunhagl@maoig.net>]  
Sent: Wednesday, February 20, 2013 09:32 AM  
To: Leone, Gerard (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Gerry,

Thanks for your letter. Our investigation is moving along at a good pace and we anticipate having findings in 3 to 4 months. We have hired our forensic lab experts and an IT/eDiscovery vendor; both are in the lab now working with the team from my office. In terms of how our findings may inform your decision on cases, the forensic lab experts will review the policies and procedures at the Hinton Lab and make a determination whether they were best practices. They will also make findings whether lab personnel properly followed those policies and procedures. As you have already found, Dookhan violated policies at the lab. Our review will provide an independent perspective on the lab operations. I wish I could tell you that we will be done with our review sooner.

Now that we are in the lab and we have completed a thorough inventory prior to the experts starting their work, we are working with the MSP to provide further discovery to prosecutors through DPH which is responsible for responding to discovery requests. We are hopeful that in a week or so we will have a system in place to respond to requests for discovery such as powder sheets and control cards. Audrey Mark will discuss this with the point prosecutors at the meeting next week.

I am in Maine for a few days with my family. I would like to talk to you about your concerns. We can make a time for Monday to talk or I can make some time tomorrow if you'd like to chat sooner.

Thanks,  
Glenn  
Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Leone, Gerard (DAA)" <[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)>  
Date: Tue, 19 Feb 2013 15:52:21  
To: Cunha, Glenn (IGO)<[cunhagl@maoig.net](mailto:cunhagl@maoig.net)>  
Cc: Leone, Gerard (NOR)<[gerry.leone@massmail.state.ma.us](mailto:gerry.leone@massmail.state.ma.us)>  
Subject: JP LAB: IGO Feb 2013 Letter

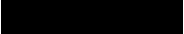
Glenn:

Attached please see the letter and accompanying memo that I mentioned to you when we traded voice mails. I will send a physical copy directly to you as well.

Please let me know if you want to talk about it.

This letter and memo has been sent by me to noone other than you. I shared it with our two staff members internally who worked on it with me, as they are responsible for the MDAO District and Superior Court

oversight of the JP LAB matters.  
I hope it is helpful to you and your staff.  
Thanks,  
Gerry

[cid:848004720@19022013-0FD3]Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com/>>

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**Archived:** Tuesday, March 12, 2019 11:48:11 AM

**From:** Leone, Gerard (NOR)

**To:** Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Mahon, Patrick (NOR); Conley, Daniel (SUF)

**Cc:** Leone, Gerard (NOR)

**Subject:** Fw: Fwd: DA CONLEY CAUTIONS LAWMAKERS ON ADDING DEMANDS WITHOUT RESOURCES

**Sensitivity:** Normal

---

FYI.

Pat and Melissa were there.

Dangerous for Cabral to be as praiseworthy about the MSPCL Lab; and for Conley to intimate that shortage in resources and funding results in likelihood that state workers will make the type of decisions that Dookhan made.

---

**From:** Maguire, Tara (DAA)

**Sent:** Wednesday, February 20, 2013 04:30 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** Fwd: DA CONLEY CAUTIONS LAWMAKERS ON ADDING DEMANDS WITHOUT RESOURCES

FYI from today's budget hearing

Begin forwarded message:

**From:** State House News Service <[news@statehousenews.com](mailto:news@statehousenews.com)>

**Date:** February 20, 2013, 4:25:54 PM EST

**To:** "[news@statehousenews.com](mailto:news@statehousenews.com)" <[news@statehousenews.com](mailto:news@statehousenews.com)>

**Subject:** DA CONLEY CAUTIONS LAWMAKERS ON ADDING DEMANDS WITHOUT RESOURCES



DA CONLEY CAUTIONS LAWMAKERS ON ADDING DEMANDS WITHOUT RESOURCES

By Andy Metzger  
STATE HOUSE NEWS SERVICE

WORCESTER, MASS., FEB. 20, 2013.....The ripple effects of a single chemist's shoddy and allegedly criminal work in a state crime lab will be felt for years, but it should come as no surprise, according to a state prosecutor.

Even with 38 new chemists joining the state's crime labs, it will be years before the criminal evidence backlog begins to recede, according to Undersecretary of Forensic Science and Technology Curtis Wood.

"We expect the backlog will probably take at least two years to get down. The backlog grows every day," Wood told members of the Joint Ways and Means Committee, gathered at Worcester State University to discuss the judiciary and public safety budgets as lawmakers mull their own versions of Gov. Deval Patrick's \$34.8 billion spending plan.

Exacerbating budgets across the spectrum of criminal justice is the actions of Annie Dookhan, the former chemist at the now shuttered Hinton drug lab, whose practice of identifying drugs by sight alone and manipulating evidence has thrown prosecutors, judges, defense attorneys and others into crisis mode.

"I'm amazed at the impact that one individual can have on our entire judicial system," Rep. Viriato deMacedo (R-Plymouth) told a panel of district attorneys appearing before the committee.

Suffolk County District Attorney Dan Conley likened Dookhan's impact to that of a tornado or hurricane, telling the News Service, "It's like a natural disaster hitting a community."

Conley warned that reduced funding in prosecutors' offices could lead to a similar outcome.

"We need to look at what happened at the Department of Public Health drug laboratory and what happened at the state medical examiner's office before that, and what has occurred in any number of other areas in state and local government to recognize that there are predictable outcomes of government enterprises where we continuously increase demands but resources do not keep pace. The resulting failures should not surprise anyone," Conley told the committee.

"Every system has its breaking point. The DAs do our very best never to break because it's victims and the public who would suffer. But when we reach a point as I have in my office, where there are no experienced prosecutors to draw upon, to fill vacancies, that's a warning sign. When we see prosecutors already struggling to keep up with hundreds of cases suddenly being saddled with so many more, that's a warning sign. And when we are at a point where an ongoing lack of chemists is adding exponentially to the backlog of drug cases, and compromising our ability to prosecute old, new and new Dookhan-related cases alike, that's also a warning sign, and we in government need to heed it."

A statewide grand jury indicted Dookhan on 27 charges, mainly obstruction of justice. She has pleaded not guilty.

Another state lab in Amherst has been temporarily closed since January, when authorities suspected chemist Sonja Farak of stealing drugs from the lab. Both labs had been under the jurisdiction of the Department of Public Health, and it will be the Office of Public Safety and Security that will take up both labs' cases.

Before the State Police labs can take on the cases previously handled by DPH, the "intake and categorization" must be changed to suit the State Police system, Secretary of Public Safety and Security Andrea Cabral said.

Underlying the budget discussions and funding requests submitted by prosecutors, sheriffs and state officials, is Gov. Deval Patrick's proposed \$1.9 billion revenue-raising proposal. Before delving into the public safety budget, Cabral, the lone Cabinet member at the hearing, spoke broadly of the administration's budget, including funding for education and transportation.

"We are investing to preserve what we have today to make sure it is fiscally sustainable tomorrow," Cabral told the committee. Later, Cabral told reporters the tax hikes are "essential" and without them, the budget picture would be "drastic."

Making use of a recent spending bill, which she said would need to be "annualized," the state plans to expand a state laboratory in Springfield.

Sen. Ben Downing (D-Pittsfield) noted that Dookhan processed far more evidence than any of her peers, and wondered about the lack of "red flags" triggered by the anomalous workload.

"The idea of a case number per chemist is a good one as long as it has some built-in flexibility," Cabral responded.

State Police Superintendent Col. Timothy Alben said that his agency's labs were held to a "much higher standard of science" than the labs run by DPH, and that this year the state's labs are undergoing an accreditation process.

"I've never been more impressed with a facility in my life," said Cabral, of the state lab.

In response to a question about a potential oversight committee by Rep. Geoff Diehl (R-Whitman), Cabral said she is confident that would not be necessary and praised the lab employees' "heroic work in taking the samples from Hinton and Amherst."

Prosecutors told the lawmakers that they have had to put their most experienced attorneys in charge of handling the fallout from Dookhan's bungling of evidence, and that it is difficult to retain experienced prosecutors, as the salaries don't match their needs.

Cape and Islands District Attorney Michael O'Keefe asked for a 10 percent, \$9.8 million, increase to be distributed among the state's district attorneys, a 10 percent, \$298,000, increase to the Massachusetts District Attorneys Association, and \$1 million to fund retention payments that DAs generally award to attorneys who have worked about three to seven years with the understanding that they will stay on for a period of time.

On the current salary, which starts at \$37,500, young prosecutors have difficulty financing a car purchase, let alone the costs of a home or raising a family, DAs said.

"There's a longstanding myth that people don't really want to make a career out of being a prosecutor," Conley said, continuing, "Most prosecutors, if given a choice and an adequate paycheck, would stay."

- END -  
02/20/2013

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**Archived:** Tuesday, March 12, 2019 11:48:24 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: JP LAB: IGO Feb 2013 Letter  
**Sensitivity:** Normal

---

Thx

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 20, 2013 12:09 PM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

Ok, will do.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 12:09 PM  
To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

I think there is benefit to being there in person, at least for the first meeting with the IGO.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 20, 2013 12:07 PM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

I'm going to conference in. Unless you think I need to be there in person.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 12:07 PM  
To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Thanks  
You to go?

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 20, 2013 11:57 AM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

FYI -- I just got an email from Audrey Mark -- she thinks she "must have messed up her calendar thing (?)" and tells me that the meeting is on for Feb 26 at 12:30.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 11:08 AM



To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: FW: JP LAB: IGO Feb 2013 Letter

FYI

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 11:07 AM  
To: cunhagl@maoig.net  
Cc: Leone, Gerard (NOR)  
Subject: JP LAB: IGO Feb 2013 Letter

Thanks for responding Glenn. Sorry to interrupt family time.

No rush for us to talk, but it might be better to talk sooner rather than later, sometime next week. I just wanted to get this to you, as we have been compiling this working document to help us frame the issues around discovery and litigation as we proceed with trying to respond to the court and defense counsel, and it seemed to be in a form now where it might be helpful to share it with you. I did mention my intention to share a document with you and shared a draft of our MDAO JP LAB findings, with my colleagues DAs O'Keefe and Conley, as President and VP of the MDAA, and then was informed by them that they had met with you. I was unaware of that meeting or the content of discussion.

I did not share this document that I sent to you with them or anyone else outside the MDAO.

Enjoy your time away, and we can talk whenever you want once you get back and get settled.

Gerry

P.S. I believe the meeting that you reference with Audrey was cancelled by her. I have not heard about whether it was rescheduled.

-----Original Message-----

From: Cunha, Glenn (IGO) [<mailto:cunhagl@maoig.net>]  
Sent: Wednesday, February 20, 2013 9:33 AM  
To: Leone, Gerard (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Gerry,

Thanks for your letter. Our investigation is moving along at a good pace and we anticipate having findings in 3 to 4 months. We have hired our forensic lab experts and an IT/eDiscovery vendor; both are in the lab now working with the team from my office. In terms of how our findings may inform your decision on cases, the forensic lab experts will review the policies and procedures at the Hinton Lab and make a determination whether they were best practices. They will also make findings whether lab personnel properly followed those policies and procedures. As you have already found, Dookhan violated policies at the lab. Our review will provide an independent perspective on the lab operations. I wish I could tell you that we will be done with our review sooner.

Now that we are in the lab and we have completed a thorough inventory prior to the experts starting their work, we are working with the MSP to provide further discovery to prosecutors through DPH which is responsible for responding to discovery requests. We are hopeful that in a week or so we will have a system in place to respond to requests for discovery such as powder sheets and control cards. Audrey Mark will discuss this with the point prosecutors at the meeting next week.

I am in Maine for a few days with my family. I would like to talk to you about your concerns. We can make a time for Monday to talk or I can make some time tomorrow if you'd like to chat sooner.

Thanks,

Glenn

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us>  
Date: Tue, 19 Feb 2013 15:52:21  
To: Cunha, Glenn (IGO)<cunhagl@maoig.net>  
Cc: Leone, Gerard (NOR)<gerry.leone@massmail.state.ma.us>  
Subject: JP LAB: IGO Feb 2013 Letter

Glenn:

Attached please see the letter and accompanying memo that I mentioned to you when we traded voice mails.

I will send a physical copy directly to you as well.

Please let me know if you want to talk about it.

This letter and memo has been sent by me to noone other than you. I shared it with our two staff members internally who worked on it with me, as they are responsible for the MDAO District and Superior Court oversight of the JP LAB matters.

I hope it is helpful to you and your staff.

Thanks,

Gerry

[cid:848004720@19022013-0FD3]Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com/>>

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**Archived:** Tuesday, March 12, 2019 11:48:26 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB: IGO Feb 2013 Letter  
**Sensitivity:** Normal

---

Great, we should tlak first. Thanks!

----- Original Message -----

From: Ellis, Sarah (NOR)  
Sent: Wednesday, February 20, 2013 12:10 PM  
To: Wechsler, Pamela (NOR); Leone, Gerard (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

I can go too.

=====  
Sarah Ellis | Director of District Courts  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  
(781) 897-85128 | sarah.ellis@state.ma.us

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-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 20, 2013 12:10 PM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

Ok, will do.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 12:09 PM  
To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

I think there is benefit to being there in person, at least for the first meeting with the IGO.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 20, 2013 12:07 PM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

I'm going to conference in. Unless you think I need to be there in person.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 12:07 PM  
To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Thanks  
You to go?

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 20, 2013 11:57 AM  
To: Leone, Gerard (NOR); Ellis, Sarah (NOR)  
Subject: RE: JP LAB: IGO Feb 2013 Letter

FYI -- I just got an email from Audrey Mark -- she thinks she "must have messed up her calendar thing (?)" and tells me that the meeting is on for Feb 26 at 12:30.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 11:08 AM  
To: Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
Subject: FW: JP LAB: IGO Feb 2013 Letter

FYI

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 20, 2013 11:07 AM  
To: cunhagl@maoig.net  
Cc: Leone, Gerard (NOR)  
Subject: JP LAB: IGO Feb 2013 Letter

Thanks for responding Glenn. Sorry to interrupt family time.

No rush for us to talk, but it might be better to talk sooner rather than later, sometime next week. I just wanted to get this to you, as we have been compiling this working document to help us frame the issues around discovery and litigation as we proceed with trying to respond to the court and defense counsel, and it seemed to be in a form now where it might be helpful to share it with you. I did mention my intention to share a document with you and shared a draft of our MDAO JP LAB findings, with my colleagues DAs O'Keefe and Conley, as President and VP of the MDAA, and then was informed by them that they had met with you. I was unaware of that meeting or the content of discussion.

I did not share this document that I sent to you with them or anyone else outside the MDAO.

Enjoy your time away, and we can talk whenever you want once you get back and get settled.

Gerry

P.S. I believe the meeting that you reference with Audrey was cancelled by her. I have not heard about whether it was rescheduled.

-----Original Message-----

From: Cunha, Glenn (IGO) [<mailto:cunhagl@maoig.net>]  
Sent: Wednesday, February 20, 2013 9:33 AM  
To: Leone, Gerard (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Gerry,

Thanks for your letter. Our investigation is moving along at a good pace and we anticipate having findings in 3 to 4 months. We have hired our forensic lab experts and an IT/eDiscovery vendor; both are in the lab now

working with the team from my office. In terms of how our findings may inform your decision on cases, the forensic lab experts will review the policies and procedures at the Hinton Lab and make a determination whether they were best practices. They will also make findings whether lab personnel properly followed those policies and procedures. As you have already found, Dookhan violated policies at the lab. Our review will provide an independent perspective on the lab operations. I wish I could tell you that we will be done with our review sooner.

Now that we are in the lab and we have completed a thorough inventory prior to the experts starting their work, we are working with the MSP to provide further discovery to prosecutors through DPH which is responsible for responding to discovery requests. We are hopeful that in a week or so we will have a system in place to respond to requests for discovery such as powder sheets and control cards. Audrey Mark will discuss this with the point prosecutors at the meeting next week.

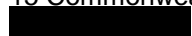
I am in Maine for a few days with my family. I would like to talk to you about your concerns. We can make a time for Monday to talk or I can make some time tomorrow if you'd like to chat sooner.

Thanks,  
Glenn  
Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us>  
Date: Tue, 19 Feb 2013 15:52:21  
To: Cunha, Glenn (IGO)<cunhagl@maoig.net>  
Cc: Leone, Gerard (NOR)<gerry.leone@massmail.state.ma.us>  
Subject: JP LAB: IGO Feb 2013 Letter

Glenn:  
Attached please see the letter and accompanying memo that I mentioned to you when we traded voice mails. I will send a physical copy directly to you as well.  
Please let me know if you want to talk about it.  
This letter and memo has been sent by me to noone other than you. I shared it with our two staff members internally who worked on it with me, as they are responsible for the MDAO District and Superior Court oversight of the JP LAB matters.  
I hope it is helpful to you and your staff.  
Thanks,  
Gerry

[cid:848004720@19022013-0FD3]Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com>>

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**Archived:** Tuesday, March 12, 2019 11:48:30 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'cunhagl@maoig.net'  
**Bcc:** Wechsler, Pamela (NOR)  
**Subject:** Re: JP LAB: IGO Feb 2013 Letter  
**Sensitivity:** Normal

---

Thanks Glenn. Pam emailed me this afternoon telling me she got word from Audrey of that date. I guess there was an e-scheduling glitch.  
Talk to you next week. Enjoy the rest of your week.  
Gerry

----- Original Message -----

From: Cunha, Glenn (IGO) [<mailto:cunhagl@maoig.net>]  
Sent: Wednesday, February 20, 2013 08:25 PM  
To: Leone, Gerard (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Gerry,  
The meeting with lab point prosecutors is Feb. 26 at 12:30. I believe Pam is attending. When I met with the MDAA (DAs O'Keefe and Conley), Tara had asked us to come and answer some questions and provide an update. We did not discuss much more than you and I discussed last month. I will give you a call next week.  
Thanks,  
Glenn  
Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us>  
Date: Wed, 20 Feb 2013 11:07:09  
To: cunhagl@maoig.net<cunhagl@maoig.net>  
Cc: Leone, Gerard (NOR)<gerry.leone@massmail.state.ma.us>  
Subject: JP LAB: IGO Feb 2013 Letter

Thanks for responding Glenn. Sorry to interrupt family time.  
No rush for us to talk, but it might be better to talk sooner rather than later, sometime next week. I just wanted to get this to you, as we have been compiling this working document to help us frame the issues around discovery and litigation as we proceed with trying to respond to the court and defense counsel, and it seemed to be in a form now where it might be helpful to share it with you. I did mention my intention to share a document with you and shared a draft of our MDAO JP LAB findings, with my colleagues DAs O'Keefe and Conley, as President and VP of the MDAA, and then was informed by them that they had met with you. I was unaware of that meeting or the content of discussion.  
I did not share this document that I sent to you with them or anyone else outside the MDAO.  
Enjoy your time away, and we can talk whenever you want once you get back and get settled.  
Gerry  
P.S. I believe the meeting that you reference with Audrey was cancelled by her. I have not heard about whether it was rescheduled.

-----Original Message-----

From: Cunha, Glenn (IGO) [<mailto:cunhagl@maoig.net>]  
Sent: Wednesday, February 20, 2013 9:33 AM  
To: Leone, Gerard (NOR)  
Subject: Re: JP LAB: IGO Feb 2013 Letter

Gerry,

Thanks for your letter. Our investigation is moving along at a good pace and we anticipate having findings in 3 to 4 months. We have hired our forensic lab experts and an IT/eDiscovery vendor; both are in the lab now working with the team from my office. In terms of how our findings may inform your decision on cases, the forensic lab experts will review the policies and procedures at the Hinton Lab and make a determination whether they were best practices. They will also make findings whether lab personnel properly followed those policies and procedures. As you have already found, Dookhan violated policies at the lab. Our review will provide an independent perspective on the lab operations. I wish I could tell you that we will be done with our review sooner.

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I am in Maine for a few days with my family. I would like to talk to you about your concerns. We can make a time for Monday to talk or I can make some time tomorrow if you'd like to chat sooner.

Thanks,

Glenn

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Leone, Gerard (DAA)" <gerry.leone@massmail.state.ma.us>

Date: Tue, 19 Feb 2013 15:52:21

To: Cunha, Glenn (IGO)<cunhagl@maoig.net>

Cc: Leone, Gerard (NOR)<gerry.leone@massmail.state.ma.us>

Subject: JP LAB: IGO Feb 2013 Letter

Glenn:

Attached please see the letter and accompanying memo that I mentioned to you when we traded voice mails.

I will send a physical copy directly to you as well.

Please let me know if you want to talk about it.

This letter and memo has been sent by me to noone other than you. I shared it with our two staff members internally who worked on it with me, as they are responsible for the MDAO District and Superior Court oversight of the JP LAB matters.

I hope it is helpful to you and your staff.

Thanks,

Gerry

[cid:848004720@19022013-0FD3]Gerard T. Leone, Jr. | Middlesex District Attorney

15 Commonwealth Ave., Woburn, MA 01801

 | [www.middlesexda.com](http://www.middlesexda.com)<<http://www.middlesexda.com/>>

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**Archived:** Tuesday, March 12, 2019 11:48:48 AM  
**From:** Leone, Gerard (NOR)  
**Sent:** Fri, 22 Feb 2013 08:13:34  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** JP LAB - Essex DAO Appeal  
**Sensitivity:** Normal

---

Thanks Pam.

The last portion below, the comment by D/C, is the issue that surprisingly has not received as much attention as I thought, and is at the very heart of our letter to the IG.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Friday, February 22, 2013 07:36 AM  
To: NOR-DL-JP LAB TEAM; Long, MaryBeth (NOR); Leone, Gerard (NOR); Sahakian, James (NOR); Stevens, Bethany (NOR); Bender, Robert (NOR)  
Subject:

Mass. High Court Expected To Hear Drug Lab Appeal Case In April  
By Deborah Becker and Joe Spurr February 21, 2013

BOSTON — The Massachusetts Supreme Judicial Court is expected to review a case this spring that challenges the way the state is handling criminal cases related to the drug lab crisis.

During a conference call this week, Justice Margot Botsford urged prosecutors and defense attorneys to expedite their motions so the seven-member court can review them in April.

"I really feel that we've got to get this stuff resolved ASAP," Botsford said. "That means you've got to file it. ... I'd like to reserve and report it, and I'd like to do it as quickly as possible, and get it heard as quickly as possible."

Tuesday's emergency telephone conference was held to discuss a motion filed by Essex County prosecutors last week asking the high court to stay the potential release of a defendant whose case involved drugs tested by former state chemist Annie Dookhan. Dookhan has been charged with manipulating drug evidence while testing tens of thousands of drug samples from 2003 to 2012 at the now-closed Hinton lab in Jamaica Plain.

Prosecutors question whether a magistrate, presiding over a special drug lab court session convened to review cases possibly affected by Dookhan, has the authority to stay a defendant's sentence or vacate a plea agreement while a motion for a new trial is pending.

In their filing (PDF), prosecutors claimed no other avenue of action in order to address "substantial claims of irremediable error, or repeated or systematic misapplication of the law."

Carrie Kimball-Monahan, a spokeswoman for Essex County District Attorney Jonathan Blodgett, says prosecutors want the high court to take up this particular case because they believe the defendant's release would pose a risk to public safety.

"This defendant's record includes some very violent offenses in addition to the drug charges," Kimball-Monahan said.

The Essex County filing references firearm offenses including defendant Shubar Charles pleading guilty to



holding a gun to the face of a former girlfriend, as well as a history of defaults.

On Oct. 18, 2010, Charles had pleaded guilty to charges of possession of ammunition and possession and distribution of a Class B substance, according to court documents that also indicate Dookhan was the primary chemist in the case. As part of a plea agreement, Charles, a felon with prior convictions, was sentenced to serve concurrent four-to-seven-year prison terms on the drug charges and a concurrent two-year term for the ammunition charge.

Charles filed a motion for a new trial in December 2012, and on Jan. 31, 2013, Special Magistrate John Cratsley granted a motion to stay Charles' sentence pending a new trial, under conditions including a \$5,000 cash bail, residing with his brother, abiding a 10-6 curfew, submitting to GPS monitoring, and reporting weekly to probation.

The state appealed to Superior Court Judge John Lu. Lu, persuaded that Charles would not have pleaded guilty but for the drugs in his pocket that were tested by Dookhan, and noting the defendant had served a portion of his sentence, upheld Cratsley's stay — with additional conditions on his release.

Justice Botsford and lawyers agreed during the conference call on Tuesday that the Superior Court should be added as a party to the case. They also acknowledged that the Attorney General's Office has also been notified, which could mean that a lawyer from that office may represent Superior Court as a defendant.

Christopher Loh, a press contact at the Attorney General's Office, offered no comment Thursday afternoon. A representative of the Suffolk County District Attorney's Office, which is said to be ramping up their own appeal to the Supreme Judicial Court, did not return calls as of Thursday afternoon.

Chandler Matson, a Boston defense attorney representing several clients in Middlesex and Suffolk counties whose cases are linked to Dookhan, weighed in on the potential impact of a Supreme Judicial Court ruling:

If the end result is that the special magistrate did not have jurisdiction to issue a stay of execution of sentence, that would mean a very large portion of individuals will end up serving much lengthier sentences in cases that inevitably are going to be dismissed.

It would put a person back in prison with no mechanism to let them out on bail. Unless the motion for a stay is granted, there is no bail issue. You'd have to start the process all over again.

**Archived:** Tuesday, March 12, 2019 11:48:56 AM

**From:** Leone, Gerard (NOR)

**To:** Mahon, Patrick (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Diorio, Melissa (NOR); Ellis, Sarah (NOR)

**Cc:** Leone, Gerard (NOR)

**Subject:** JP LAB. Re: Testimony at W&M Hearing

**Sensitivity:** Normal

---

I continue to be very surprised and frustrated at the MDAA/DA lack of pressure on the legislature on this issue.

---

**From:** Mahon, Patrick (NOR)

**Sent:** Friday, February 22, 2013 07:50 AM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Diorio, Melissa (NOR)

**Subject:** RE: Testimony at W&M Hearing

Good morning Gerry

The issue of the supplemental budget for the JP Lab crisis was mentioned and alluded to but was never addressed directly nor was it a separate topic.

Pat

---

**From:** Leone, Gerard (NOR)

**Sent:** Thursday, February 21, 2013 9:53 PM

**To:** Mahon, Patrick (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Diorio, Melissa (NOR)

**Subject:** Re: Testimony at W&M Hearing

Thank you Pat.

Was the issue or a supplemental budget and timing and deployment of the \$ to DAOs re: JP Lab addressed directly?

---

**From:** Mahon, Patrick (NOR)

**Sent:** Thursday, February 21, 2013 05:18 PM

**To:** Leone, Gerard (NOR); Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Diorio, Melissa (NOR)

**Subject:** Testimony at W&M Hearing

Gerry

Melissa Diorio and I attended the Joint House & Senate Ways and Means Budget Hearings at Worcester State University, chaired by Representative John Fresolo and Senator Ben Dowling. We were there for both the presentation and testimony of the MDAA team as well as by the Executive Office of Public Safety. As both EOPPS and the District Attorneys were both, adversely affected by the crisis at the JP Hinton Crime Lab, and the subsequent problems at the Amherst Lab, the panel of senators and representatives were keenly interested in what steps were going to be taken to prevent these types of events in the future. EOPPS Secretary Andrea Cabral believed that the safety and security protocols already in place at the State Police Crime Lab in Sudbury were a great first step and she had never been more impressed at a site visit than she was when she visited the Sudbury facility. In addition, she had filed a supplemental request for an additional \$1.4 million dollars for additional testing equipment and security devices to enhance the operation of the Sudbury lab. She stated that in direct response to the JP lab crisis, they will be hiring an additional 38 chemists. The Vice Chair questioned the hiring process and the background checks as this crisis was attributed to a human element in which Madame Secretary responded these chemists will undergo rigorous background checks, including verification of academic degrees and course work, to ensure that they are qualified to do the work. Moreover, they will have cameras in table slabs to provide enhanced visibility to

testing. Metrics will be reviewed so that anomalies in the amount of samples tested etc. can be readily identified. They believe that there is an approximate two year backlog of samples that have to be tested. However, they want to “DO IT ONCE DO IT RIGHT” and make sure that integrity is restored throughout the entire process.

Up second was the MDAA, which was led by Association President D.A. Michael O’Keefe and Vice President D.A Dan Conley. They were joined by Plymouth D.A. Tim Cruz and Worcester D.A. Joe Early along with MDAA Executive Director Tara Maguire. D.A. O’Keefe led off with the need to increase salaries for ADA’s as a number of offices who were already straining from having staff members handling case loads of 420 cases annually were now faced with the additional burden of the JP Lab cases. The JP lab crisis has monopolized the time of both, legal and non -legal staff members and he was afraid that one crisis may lead to another crisis as we are prone to losing senior staffers in this current environment. Offices right now are either spending beyond their budgets waiting for promised funds while other offices are waiting for budgets to be officially supplemented.

D.A. O’Keefe then went on to officially ask that each District attorney’s Office receive a 10% increase in their appropriation (a total increase of 9.8 million dollars) and an increase of 298k for the MDAA office. He did thank the Legislature for the Retention Fund and asked that fund be increased to \$1 million dollars spread across all the D.A. offices.

D.A. Dan Conley then spoke and made an impassioned plea for additional funding for salaries, especially those attorneys who have been with their individual offices for 3 years or more. Once an ADA has hit the three year mark, the training and time invested in them is beginning to bear fruit and this talent is sorely needed at this point in time. He wanted to debunk the myth that no one wants to be a career prosecutor. Many people do but the economic reality that car payments, house payments and the burden of educational debt make it fiscally untenable to stay in the public sector.

Mr. Conley then asked the legislature to take a look what happened at the Drug lab and at the Medical Examiner’s office and they should see the results when increased demands are not met with the same pace of resources, negative outcomes can and will occur. DA Conley said that the warning signs were there and that these were predictable outcomes of government. He did ask that the JP Lab Crisis be met with short term relief but it was even more important that a long term solution for adequate funding be found. He further stated that the Lab has only exacerbated weak succession planning problems. DA Conley noted that the expectation of the Das and their offices has grown by judges, juries and the public.

After this testimony the Chair opened up the floor for some questions and when asked whether the DA offices should be looked at individually or should we all “rise and fall” together and the consensus was that we should all receive similar increases and that exceptions (i.e. Worcester Office Space) should be addressed as one time exceptions. The topic of partnering with the UMass Dartmouth Law School to get recent grads who might be enticed by loan forgiveness programs was also raised. Finally one legislator asked what services etc. were compromised when offices are not adequately funded. District Attorney O’Keefe said it was diversion programs and other crime prevention initiatives were hurt the most.

One item that was not addressed neither in testimony nor questions was the inadequate funding of State Police Overtime. I would have thought would have been a front burner topic.

We have tried to summarize yet provide relevant details without getting overly wordy. Please contact Melissa and I with any questions.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, February 21, 2013 9:11 AM  
**To:** Wechsler, Pamela (NOR); Pelgro, Michael (NOR); Ellis, Sarah (NOR); Mahon, Patrick (NOR); Diorio, Melissa (NOR)  
**Subject:** Fw: Testimony at W&M Hearing

Fyi.  
Thanks to Melissa and Pat for covering the hearing.  
Anything to impart?  
Gerry

---


**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, February 21, 2013 08:54 AM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Testimony at W&M Hearing

District Attorneys,

Attached please find the testimony of DAs O'Keefe and Conley at yesterday's Joint Ways and Means budget hearing.

In sum, the District Attorneys asked for a 10% increase for your main appropriation, SPOT, and MDAA, and a \$500,000 increase (to \$1M) for the ADA Retention Fund.

Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, 202  
Boston, MA 02114  


**Archived:** Tuesday, March 12, 2019 11:49:07 AM  
**From:** Diorio, Melissa (NOR)  
**Sent:** Mon, 25 Feb 2013 18:29:31  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Mahon, Patrick (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding  
**Sensitivity:** Normal

---

Thank you.

Melissa Diorio  
Director of Human Resources  
Office of Middlesex District Attorney Gerard T. Leone  
15 Commonwealth Avenue  
Woburn, MA 01801  
(T) [REDACTED]  
(F) [REDACTED]

---

**From:** Leone, Gerard (DAA) [mailto:gerry.leone@massmail.state.ma.us]  
**Sent:** Monday, February 25, 2013 06:11 PM  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Diorio, Melissa (NOR)  
**Cc:** Mahon, Patrick (NOR); Pelgro, Michael (NOR)  
**Subject:** Fw: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, February 25, 2013 05:43 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

To the DAs,

Below please find a message from the A&F budget director, Emme Schultz, notifying offices of a mandatory training. Attendance at this training is required prior to requesting Hinton Lab funding from A&F.

District Attorney O'Keefe asked that I forward this to you, so that you can forward it to the appropriate staff in your office. This will be on the agenda for discussion at Wednesday's DA meeting.

Thank you,  
Tara

---

**From:** Schultz, Emme (ANF)  
**Sent:** Monday, February 25, 2013 5:25 PM  
**To:** Maguire, Tara (DAA); Hansberry, Barbara; Calkins, Sheila (AGO); sburstein@publiccounsel.net; Donaghey, Ellen (EPS); Broderick, Deborah (POL); Foltz, Carol (DPH); Barnard, Stephen (EHS); Scalley, Regina (ANF); Desmond, Marcie (ANF); Burke, James F (SDA); Silva, Kyra (DOC); paul.mccarthy@sec.state.ma.us  
**Cc:** Steed, Emily (ANF); Scalley, Regina (ANF); Faherty, Sean (ANF); Nguyen, William (ANF); Haddad, Billy (ANF); Jefferies, Kristen; Sheppard, Kathy (OSC); LeBlanc, James (ANF); Gosselin, Brian (ANF); Zaroulis, Alex (ANF); Sullivan, David E. (ANF)  
**Subject:** Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

To fiscal officers at state agencies and independent offices affected by the Hinton State Laboratory breach;

Thank you for your work to respond to the breach at the Hinton State Crime Laboratory. A&F appreciates the hard work that agencies and independent offices are undertaking and the complexity of the issues that are being tackled to serve the public.

On Friday, February 15, 2013, Governor Patrick signed Chapter 3 of the Acts of 2013, which included \$30 million in a reserve fund to pay for costs of the investigation and response related to the breach at the lab.

The legislation calls for A&F to distribute these reserve funds. A&F has developed a process that will maximize transparency and timeliness.

### **MANDATORY TRAINING MARCH 5 or 6**

As a first step, A&F will host a mandatory training to ensure that stakeholders understand the funding process, timelines and documentation to be submitted concerning incurred and projected costs.

**WHO:** Each agency and independent office that has incurred or expects to incur costs related to the Hinton Crime Lab breach must **designate at least one "Hinton Funding staff member with signatory authority" for the office**. Please notify Emily Steed by email as to who has been designated from your office and to RSVP for a specific date.

**The designated Hinton funding staff member(s) is / are required to attend the A&F training before requesting Hinton reserve funding.**

**WHEN:** March 5 or 6, 2013 from 10 am to 12 noon

**WHERE:** March 5 at 1 Ashburton Pl., 10th Floor, Video Conference Room 1002  
March 6 at 1 Ashburton Pl, 9<sup>th</sup> Floor, Comptroller's Office

Over time, as we receive information on impacted programs, the amount of the reserve fund will be re-assessed to support agencies and independent offices as they serve the public.

If you have any questions, please contact the following:

- ANF Director of Program Integrity Emily Steed at [emily.steed@state.ma.us](mailto:emily.steed@state.ma.us)
- ANF CFO Regina Scalley [regina.scalley@state.ma.us](mailto:regina.scalley@state.ma.us)

Thank you,  
Emme

Emme Schultz  
Budget Director  
Executive Office for Administration & Finance  
State House, Room 272

[emme.schultz@state.ma.us](mailto:emme.schultz@state.ma.us)

Follow us on Twitter: [@massANF](https://twitter.com/massANF)

**Archived:** Tuesday, March 12, 2019 11:49:20 AM  
**From:** Pogue, Anne (NOR)  
**Sent:** Tue, 26 Feb 2013 10:08:21  
**To:** NOR-DL-ALL MIDDLESEX ADA's  
**Cc:** Cunningham, Ashley (NOR); Irwin, Chris (NOR)  
**Subject:** RE: More Dookhan/JP Lab Discovery  
**Sensitivity:** Normal  
**Attachments:**  
[AD 8th Notice of Discovery.docx](#);

---

Please note: we had to make another change to the notice for Discovery 8. The correct version is attached. Please serve and file this one when you do Discovery 8.  
Thank you.

Anne Pogue Donohue  
Assistant District Attorney  
T. [REDACTED]

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---

**From:** Pogue, Anne (NOR)  
**Sent:** Monday, February 25, 2013 6:03 PM  
**To:** NOR-DL-ALL MIDDLESEX ADA's  
**Cc:** Cunningham, Ashley (NOR); Irwin, Chris (NOR)  
**Subject:** More Dookhan/JP Lab Discovery

Hello All,  
Another week, another discovery submission... two updates:

1. We have received an update to Discovery 8 (the emails). If you have already served and filed Discovery 8, please obtain a new CD from Ashley or me to give to defense counsel, and file a new discovery notice (see attachment).
2. Discovery 9 is ready. The notice and the discovery itself are attached (it actually pertains primarily to Sonja Farak, the chemist who was charged out of Amherst, but she used to work at JP). As always, please make appropriate changes to the notice to personalize it to your case, including noting whether you are serving a copy on disc or as paper attachments.

If you have any questions, feel free to contact Christina Lucci, Sara DeSimone, or me, and please keep us updated on the status of your Dookhan/JP Lab cases.

Thank you,  
Anne

Anne Pogue Donohue  
Assistant District Attorney

**Middlesex District Attorney's Office**  
**15 Commonwealth Avenue**  
**Woburn, MA 01801**  
**T. [REDACTED]**  
**F. [REDACTED]**

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

COURT DEPT.  
DOCKET NO.

COMMONWEALTH

v.

---

**COMMONWEALTH'S EIGHTH NOTICE OF DISCOVERY REGARDING  
FORMER DPH CHEMIST ANNIE DOOKHAN & WILLIAM A. HINTON STATE  
LABORATORY**

---

Now comes the Commonwealth in the above-entitled matter and, consistent with its ongoing obligations, provides the following items of discovery, reproduced on the attached disc, which were received from the Massachusetts District Attorneys' Association on February 1 and 22, 2013:

1. Letter from Vincent DeMore to Tara Maguire dated January 8, 2013 (2 pages);
2. Letter from Susanne M. O'Neil to Tara Maguire (1 page); and
3. Contents of Annie Dookhan's Email (477 megabytes).

Respectfully submitted  
For the Commonwealth,

GERARD T. LEONE, JR.  
DISTRICT ATTORNEY

By: \_\_\_\_\_  
[NAME]  
Assistant District Attorney  
[ADDRESS]  
BBO No. \_\_\_\_\_

DATED: \_\_\_\_\_

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, Assistant District Attorney, served the attached motion and all attachments on counsel for the defendant **[by first class mail/by email/by facsimile/in hand]**, on the date noted below.

\_\_\_\_\_  
[NAME]  
Assistant District Attorney

DATED: \_\_\_\_\_

**Archived:** Tuesday, March 12, 2019 11:49:24 AM

**From:** Maguire, Tara (DAA)

**Sent:** Tue, 26 Feb 2013 09:07:03

**To:** Capeless, David (BER)

**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST

**Subject:** Re: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

**Sensitivity:** Normal

---

The \$30M "reserve fund" is limited to the Hinton Lab by the language of the appropriation. I have been told several times that the W&M Committees doesn't yet have the information they need to analyze the Amherst costs yet. I suspect that if they act on it too soon, they'll set up a similar fund in A&F for the Amherst breach. This set up is ripe for the DAs to get short-changed.

On Feb 26, 2013, at 8:49 AM, "Capeless, David (BER)" <[David.F.Capeless@MassMail.State.MA.US](mailto:David.F.Capeless@MassMail.State.MA.US)> wrote:

The memo from A&F specifically refers to "the breach at the Hinton State Lab." Does the appropriation also specifically cover the Amherst Lab issues?

---

**From:** Maguire, Tara (DAA)

**Sent:** Monday, February 25, 2013 5:43 PM

**To:** DAA-DL-DA&EXEC.ASST

**Subject:** Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

**Importance:** High

To the DAs,

Below please find a message from the A&F budget director, Emme Schultz, notifying offices of a mandatory training. Attendance at this training is required prior to requesting Hinton Lab funding from A&F.

District Attorney O'Keefe asked that I forward this to you, so that you can forward it to the appropriate staff in your office. This will be on the agenda for discussion at Wednesday's DA meeting.

Thank you,  
Tara

---

**From:** Schultz, Emme (ANF)

**Sent:** Monday, February 25, 2013 5:25 PM

**To:** Maguire, Tara (DAA); Hansberry, Barbara; Calkins, Sheila (AGO); [sburstein@publiccounsel.net](mailto:sburstein@publiccounsel.net); Donaghey, Ellen (EPS); Broderick, Deborah (POL); Foltz, Carol (DPH); Barnard, Stephen (EHS); Scalley, Regina (ANF); Desmond, Marcie (ANF); Burke, James F (SDA); Silva, Kyra (DOC); [paul.mccarthy@sec.state.ma.us](mailto:paul.mccarthy@sec.state.ma.us)

**Cc:** Steed, Emily (ANF); Scalley, Regina (ANF); Faherty, Sean (ANF); Nguyen, William (ANF); Haddad, Billy (ANF); Jefferies, Kristen; Sheppard, Kathy (OSC); LeBlanc, James (ANF); Gosselin, Brian (ANF); Zaroulis, Alex (ANF); Sullivan, David E. (ANF)

**Subject:** Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

To fiscal officers at state agencies and independent offices affected by the Hinton State Lab breach;

Thank you for your work to respond to the breach at the Hinton State Crime Laboratory. A&F appreciates the hard work that agencies and independent offices are undertaking and the complexity of the issues that are being tackled to serve the public.

On Friday, February 15, 2013, Governor Patrick signed Chapter 3 of the Acts of 2013, which included \$30 million in a reserve fund to pay for costs of the investigation and response related to the breach at the lab.

The legislation calls for A&F to distribute these reserve funds. A&F has developed a process that will maximize transparency and timeliness.

#### **MANDATORY TRAINING MARCH 5 or 6**

As a first step, A&F will host a mandatory training to ensure that stakeholders understand the funding process, timelines and documentation to be submitted concerning incurred and projected costs.

**WHO:** Each agency and independent office that has incurred or expects to incur costs related to the Hinton Crime Lab breach must **designate at least one "Hinton Funding staff member with signatory authority" for the office**. Please notify Emily Steed by email as to who has been designated from your office and to RSVP for a specific date.

**The designated Hinton funding staff member(s) is / are required to attend the A&F training before requesting Hinton reserve funding.**

**WHEN:** March 5 or 6, 2013 from 10 am to 12 noon

**WHERE:** March 5 at 1 Ashburton Pl., 10th Floor, Video Conference Room 1002  
March 6 at 1 Ashburton Pl., 9<sup>th</sup> Floor, Comptroller's Office

Over time, as we receive information on impacted programs, the amount of the reserve fund will be reassessed to support agencies and independent offices as they serve the public.

If you have any questions, please contact the following:

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- ANF CFO Regina Scalley [regina.scalley@state.ma.us](mailto:regina.scalley@state.ma.us)

Thank you,  
Emme

Emme Schultz  
Budget Director  
Executive Office for Administration & Finance  
State House, Room 272

[emme.schultz@state.ma.us](mailto:emme.schultz@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 11:49:27 AM  
**From:** Leone, Gerard (NOR)  
**To:** Mastroianni, Mark (WES)  
**Subject:** RE: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding  
**Sensitivity:** Normal

---

You can just start a new drug lab as an adjunct to your DNA lab!! :)  
Mark, I want to hear about this new DNA lab!  
Are you planning to be at the MDAA meeting tomorrow?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Mastroianni, Mark (WES)  
**Sent:** Tuesday, February 26, 2013 9:03 AM  
**To:** Capeless, David (BER)  
**Cc:** Maguire, Tara (DAA); DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

This is my question also about Amherst lab ?

Sent from my iPhone

On Feb 26, 2013, at 8:49 AM, "Capeless, David (BER)" <[David.F.Capeless@MassMail.State.MA.US](mailto:David.F.Capeless@MassMail.State.MA.US)> wrote:

The memo from A&F specifically refers to "the breach at the Hinton State Lab." Does the appropriation also specifically cover the Amherst Lab issues?

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, February 25, 2013 5:43 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding  
**Importance:** High

To the DAs,

Below please find a message from the A&F budget director, Emme Schultz, notifying offices of a mandatory training. Attendance at this training is required prior to requesting Hinton Lab funding from A&F.

District Attorney O'Keefe asked that I forward this to you, so that you can forward it to the appropriate staff in your office. This will be on the agenda for discussion at Wednesday's DA meeting.

Thank you,

Tara

---

**From:** Schultz, Emme (ANF)  
**Sent:** Monday, February 25, 2013 5:25 PM  
**To:** Maguire, Tara (DAA); Hansberry, Barbara; Calkins, Sheila (AGO); [sburstein@publiccounsel.net](mailto:sburstein@publiccounsel.net); Donaghey, Ellen (EPS); Broderick, Deborah (POL); Foltz, Carol (DPH); Barnard, Stephen (EHS); Scalley, Regina (ANF); Desmond, Marcie (ANF); Burke, James F (SDA); Silva, Kyra (DOC); [paul.mccarthy@sec.state.ma.us](mailto:paul.mccarthy@sec.state.ma.us)  
**Cc:** Steed, Emily (ANF); Scalley, Regina (ANF); Faherty, Sean (ANF); Nguyen, William (ANF); Haddad, Billy (ANF);

Jefferies, Kristen; Sheppard, Kathy (OSC); LeBlanc, James (ANF); Gosselin, Brian (ANF); Zaroulis, Alex (ANF); Sullivan, David E. (ANF)

**Subject:** Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

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**WHERE:** March 5 at 1 Ashburton Pl., 10th Floor, Video Conference Room 1002

March 6 at 1 Ashburton Pl, 9th Floor, Comptroller's Office

Over time as we receive information on impact programs, the amount of the reserve fund will be reassessed to support agencies and independent offices as they serve the public.

If you have any questions, please contact the following:

<!--[if !supportLists]--> <!--[endif]--> ANF Director of Program Integrity Emily Steed at [emily.steed@state.ma.us](mailto:emily.steed@state.ma.us)

<!--[if !supportLists]--> <!--[endif]--> ANF CFO Regina Scalley [regina.scalley@state.ma.us](mailto:regina.scalley@state.ma.us)

Thank you,

Emme

Emme Schultz

Budget Director

Executive Office for Administration & Finance

State House, Room 272



[emme.schultz@state.ma.us](mailto:emme.schultz@state.ma.us)

Follow us on Twitter: [@massANF](https://twitter.com/massANF)

**Archived:** Tuesday, March 12, 2019 11:49:34 AM  
**From:** Leone, Gerard (NOR)  
**To:** Mastroianni, Mark (WES)  
**Subject:** RE: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding  
**Sensitivity:** Normal

---

same here Mark



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Mastroianni, Mark (WES)  
**Sent:** Tuesday, February 26, 2013 1:24 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

Hi Gerry  
I am planning on being there. Look forward to seeing you

Sent from my iPhone

On Feb 26, 2013, at 12:36 PM, "Leone, Gerard (NOR)" <[Gerry.Leone@MassMail.State.MA.US](mailto:Gerry.Leone@MassMail.State.MA.US)> wrote:

The memo from A&F specifically refers to “the breach

---

This e-mail message is generated from the Office of the Hampden District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

**Archived:** Tuesday, March 12, 2019 11:49:53 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** RE: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding  
**Sensitivity:** Normal

---

thank you



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Tuesday, February 26, 2013 5:22 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR)  
**Subject:** Re: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

FYI- I will attend this training with Pat and Melissa next Weds.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Tuesday, February 26, 2013 07:26 AM  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Fw: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

---

**From:** OKeefe, Michael (CPI)  
**Sent:** Monday, February 25, 2013 06:16 PM  
**To:** Maguire, Tara (DAA)  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

Colleagues : I asked Tara to request a meeting with the Secretary. She did so a week ago last Friday . Having no response to this request I left a message this past Friday for the Secretary and for the scheduler , Julissa Tavarez . This morning Ms Tavarez called apologized for the delay and said that she would schedule a meeting by the end of the day. Instead we received a call from the author of the email you have just received . Tara spoke with her. She asked if the meeting could take place after the ' trainings'.

It is probably advisable to send someone to the trainings but we will press the issue of our assurances from the Governors office that we would not be 'nickel and dimed ' on this issue. We will schedule the meeting when DA Conley, Blodgett and myself are available subsequent to the training but I will speak to A&F prior to the training. Further I asked that this message be sent to you and not to your CFO s to minimize chatter and speculation. You can decide who from your office you wish to inform and attend the trainings .

Hang in there . This is but another step in a long process.

Sent from my iPhone



On Feb 25, 2013, at 5:43 PM, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

To the DAs,

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Thank you,

Tara

---

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**Sent:** Monday, February 25, 2013 5:25 PM

**To:** Maguire, Tara (DAA); Hansberry, Barbara; Calkins, Sheila (AGO); [sburstein@publiccounsel.net](mailto:sburstein@publiccounsel.net); Donaghey, Ellen (EPS); Broderick, Deborah (POL); Foltz, Carol (DPH); Barnard, Stephen (EHS); Scalley, Regina (ANF); Desmond, Marcie (ANF); Burke, James F (SDA); Silva, Kyra (DOC); [paul.mccarthy@sec.state.ma.us](mailto:paul.mccarthy@sec.state.ma.us)

**Cc:** Steed, Emily (ANF); Scalley, Regina (ANF); Faherty, Sean (ANF); Nguyen, William (ANF); Haddad, Billy (ANF); Jefferies, Kristen; Sheppard, Kathy (OSC); LeBlanc, James (ANF); Gosselin, Brian (ANF); Zaroulis, Alex (ANF); Sullivan, David E. (ANF)

**Subject:** Next Step for Agencies and Independent Offices Seeking Hinton Reserve Funding

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<!--[if !supportLists]--> <!--[endif]-->ANF CFO Regina Scalley [regina.scalley@state.ma.us](mailto:regina.scalley@state.ma.us)

Thank you,

Emme

Emme Schultz

Budget Director

Executive Office for Administration & Finance

State House, Room 272



[emme.schultz@state.ma.us](mailto:emme.schultz@state.ma.us)

Follow us on Twitter: [@massANF](https://twitter.com/massANF)

**Archived:** Tuesday, March 12, 2019 11:50:04 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: Chemist Farak  
**Sensitivity:** Normal

---

Thx

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 27, 2013 12:51 PM  
To: Leone, Gerard (NOR)  
Subject: RE: Chemist Farak

Yes--I think we have three cases.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 27, 2013 12:16 PM  
To: Wechsler, Pamela (NOR)  
Subject: Chemist Farak

Do we have any of her cases from when she was at Hinton?

**Archived:** Tuesday, March 12, 2019 11:50:08 AM  
**From:** Wechsler, Pamela (NOR)  
**Sent:** Wed, 27 Feb 2013 15:10:15  
**To:** Leone, Gerard (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** RE: Essex DAO 211-3 re stay of execution in Lab MNTs  
**Sensitivity:** Normal

---

Yes, agreed. I will let you know once they've weighed in.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Wednesday, February 27, 2013 3:10 PM  
**To:** Wechsler, Pamela (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** Re: Essex DAO 211-3 re stay of execution in Lab MNTs

Do Jim and Bethany concur?  
Their opinion in concert with their subordinates, is important with the important matters.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Wednesday, February 27, 2013 01:20 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** FW: Essex DAO 211-3 re stay of execution in Lab MNTs

FYI—Bob Bender does NOT recommend that we join in Essex's petition.

---

**From:** Sahakian, James (NOR)  
**Sent:** Wednesday, February 27, 2013 11:12 AM  
**To:** Wechsler, Pamela (NOR)  
**Subject:** FW: Essex DAO 211-3 re stay of execution in Lab MNTs

Pam, fyi

James W. Sahakian  
Assistant District Attorney  
Chief, Appeals and Training Bureau  
15 Commonwealth Avenue  
Woburn, MA 01801

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---

**From:** Bender, Robert (NOR)  
**Sent:** Tuesday, February 26, 2013 2:51 PM  
**To:** Sahakian, James (NOR); Stevens, Bethany (NOR)  
**Subject:** Essex DAO 211-3 re stay of execution in Lab MNTs

After review of the Essex DAO petitions for relief from entry of stays of execution in [REDACTED], I recommend we not join in Essex's position.

The first case, [REDACTED] involves a defendant who pleaded guilty to poss Class B w/ intent, felon in possession of ammo (w/ one prior, orig indicted as 3 priors), and poss of ammo; he was sentenced to 4-7 years concurrent. In December, 2012 he filed a MNT based solely on "Dookhan" issues; the appointed special magistrate in Superior Court, John Cratsley, J., retired, (see MRCrimP 47, and Order of Chief Justice of Superior Court Dept) over objection of Com proposed stay of execution, with conditions of cash bail, GPS, live with brother, weekly report to probation, pending disposition of the MNT. Per order of appointment, Com brought issue to Essex RAJ, John Lu, J., who considered the issue "anew" and ordered stay of execution on same terms, adding home confinement, random drug/alcohol screens, and "consent" to any and all requests to search person, housing, vehicle, possessions.

Essex argues that the rule and order do not allow the magistrate to propose such "rulings" for the Superior Court; they also argue that neither the magistrate nor the Superior Court is allowed to stay execution of the sentence being served, unless the MNT is appealed. The first argument is weak: (a) the procedure is that the magistrate merely proposes or recommends, and that the RAJ will impose any order if the Com objects to the magistrate's position; (b) the text of Rule 47 allows a magistrate to set bail (generally as part of the arraignment the magistrate may conduct) and to do other things specified in the order of designation. The order here specifies that in addition to the authority specified in the rule the magistrate shall hear MNT in Lab cases, issue discovery orders and orders in "other matters," and "make proposed findings and rulings for the RAJ." If this is not explicit enough to allow what happened then presumably the order can be made clear.

The bigger issue, and on this Justice Botsford has reported a question to the full bench for April arguments, (it seems that the preliminary question in prior paragraph also is part of the report) is the general authority of the trial court to enter a stay of sentence prior to ruling on the MNT. (The report does not involve issue whether the Lab issues can serve as a basis to withdraw a plea). Here Essex notes that MRCrimP 31, stays pending appeal, does not apply, nor does Rule 30(c) (8). Essex relies on Com v McLaughlin, 431 Mass. 506 (2000), which provides "trial judges lack authority to stay execution of sentence 'on independent grounds not affecting the legality or propriety of the conviction.'" What this referred to was entering a stay for reasons such as personal needs of the defendant (recognized as very limited) or, as in McLaughlin, trying to run a term of imprisonment from and after commitment to Bridgewater (McLaughlin barred that). However, the SJC did not say, and it is doubtful it would say, that in the interests of justice the court cannot stay execution and set bail conditions where there is a substantial issue as to the legal basis for the judgment. This is not to say (and this is not raised in this case) that there should be a stay entered before a MNT is filed.

The rest of the [REDACTED] case involves Essex's issue with the terms of the bail, and the usual arguments about what the judge may consider in setting bail, including the amount of time served/remaining on the sentence. The [REDACTED] case is similar: the defendant pleaded guilty to three counts of trafficking 28 grams or more (orig 100 or more), and poss w/ intent (orig traffick 14 grams or more), and was sentenced to 3 concurrent five to five and a day, and probation f/a. He filed a MNT re the Lab issues, and (prior to magistrate system) a superior court judge denied stay/bail pending disposition. That judge read McLaughlin to allow a stay in the court's discretion. Once the magistrate was appointed, the defendant renewed his motion for stay/bail, won reconsideration, and a recommendation (so construed by the RAJ on Com objection) for bail, which the RAJ ordered. Thus [REDACTED] added to the mix (this case has not yet been acted on by the single justice) a question whether the orig order denying a stay could be reconsidered by the magistrate/RAJ. That is not likely to be prohibited by SJC if reviewed.

Robert J. Bender  
Assistant District Attorney  
Senior Supervisor, Appeals & Training Bureau

Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[REDACTED] [Appeals & Training Bureau]

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*unlawful.*

**Archived:** Tuesday, March 12, 2019 11:50:15 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Subject:** RE: IG Meeting  
**Sensitivity:** Normal

---

It is very unclear to me what benefit that group ever had to us - ?  
The State paid a lot of \$ for it.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ellis, Sarah (NOR)  
Sent: Tuesday, February 26, 2013 6:30 PM  
To: Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Subject: RE: IG Meeting

Meier only came up today in the context of the flow of discovery, although it appears that with IGO e-cataloguing all lab documents (2 million pages worth), and Doug Rice providing all discovery directly to MDAA, the Meier team has a diminishing(ed?) role. I had thought they were going to identify impacted cases, but I don't think they've ever provided us with a list of Annie Dookhan cases by name of Defendant or docket number.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Tuesday, February 26, 2013 6:04 PM  
To: Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
Subject: RE: IG Meeting

And we'll stay that way. Although I've found knowing about SDAO efforts helpful, it is as I said from the beginning - we need to do this our own way.

By the way - what is the status of the Meier Task Force?

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----


From: Ellis, Sarah (NOR)  
Sent: Tuesday, February 26, 2013 5:58 PM  
To: Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Subject: RE: IG Meeting

Seriously. A sweatband. And maybe a video camera, because I can't do that meeting justice in the retelling.  
:) Middlesex is definitely a step above, if I do say so myself!

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Tuesday, February 26, 2013 5:55 PM  
To: Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
Subject: RE: IG Meeting

Thanks  
Next time bring sun tan lotion and plenty of water.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Ellis, Sarah (NOR)  
Sent: Tuesday, February 26, 2013 5:53 PM  
To: Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
Subject: RE: IG Meeting

Suffolk ADAs were the most vocal in the meeting (and inappropriately disparaging of several judges and the defense bar in the context of this audience) and when Audrey Mark tried to ask Cape and Island a question about how they were handling cases, one representative said nothing, and the other representative told her, "if you can actually ask me a question, I'll attempt to answer it." Bizarre. Also the meeting room was 95 degrees, so I think the IGO was employing a tropical interrogation technique.

It appears that Norfolk is the only county going ahead and NPing pleas if Dookhan is on the cert rather than waiting for the plea issue to reach the SJC. (Although C&I could be doing that too - unclear.) We represented that we were asking for continuances and not taking a position on the plea issue at this time pending the case(s) making it to the SJC.

-----Original Message-----

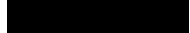
From: Leone, Gerard (NOR)  
Sent: Tuesday, February 26, 2013 5:20 PM  
To: Wechsler, Pamela (NOR)  
Cc: Ellis, Sarah (NOR)



Subject: RE: IG Meeting

Thanks.

May be some enlightening at the DAs MDAA meeting tomorrow.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
 | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: Wechsler, Pamela (NOR)  
Sent: Tuesday, February 26, 2013 4:16 PM  
To: Leone, Gerard (NOR)  
Cc: Ellis, Sarah (NOR)  
Subject: IG Meeting

Sarah and I attended the OIG meeting today. All of the eastern DAOs were present, as was Audrey Mark (OIG), Doug Rice (DPH/SAAG) and someone from the Governor's Office. Audrey spent about ten minutes outlining the status of their investigation -- they've hired the ediscovery contractors and probably won't be prepared to release the discovery for 4- 6 months. Audrey offered to assist the DAOs in obtaining powder sheets on a case by case basis but we all agreed that this wouldn't really help solve the discovery issues.

Then Audrey questioned the DAOs about how we are handling cases in general. Everyone shared a little about what is going on in their courts -- everyone spoke except the Cape and Islands, who were oddly hostile. They didn't say anything at all until Audrey asked them a question directly and they pretty much refused to answer.

Happy to discuss more if you would like but, all in all, this was more the OIG gathering information than sharing anything.

**Archived:** Tuesday, March 12, 2019 11:50:32 AM  
**From:** Wechsler, Pamela (NOR)  
**Sent:** Wed, 27 Feb 2013 19:19:03  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Essex DAO 211-3 re stay of execution in Lab MNTs  
**Sensitivity:** Normal

---

Ok. Will do.

----- Original Message -----  
From: Leone, Gerard (NOR)  
Sent: Wednesday, February 27, 2013 06:39 PM  
To: Wechsler, Pamela (NOR)  
Subject: RE: Essex DAO 211-3 re stay of execution in Lab MNTs

Wait and see if she follows up. If so, decline.

-----Original Message-----  
From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 27, 2013 6:27 PM  
To: Leone, Gerard (NOR)  
Subject: RE: Essex DAO 211-3 re stay of execution in Lab MNTs

Blodgett had someone from his office call me as a follow-up to your conversation with him. I told her that I would look into it and get back to her. If you agree, I will call her back to close the loop. Or I can let it sit for a while.  
FYI others in the meeting yesterday indicated that they wanted to sign on with Essex. I know this doesn't dictate our course of action -- I just wanted to let you know.

---

From: Leone, Gerard (NOR)  
Sent: Wednesday, February 27, 2013 6:26 PM  
To: Wechsler, Pamela (NOR)  
Subject: RE: Essex DAO 211-3 re stay of execution in Lab MNTs

If they have formally asked for a response (as is normal in appellate "join in" matters) , then respond in kind. If they haven't asked for a response, then leave it alone.

-----Original Message-----  
From: Wechsler, Pamela (NOR)  
Sent: Wednesday, February 27, 2013 6:23 PM  
To: Leone, Gerard (NOR)  
Subject: FW: Essex DAO 211-3 re stay of execution in Lab MNTs

Both Jim and Bethany agree with Bob's assessment. Bethany recommends that we stay out of it. If you agree, how would you like to communicate this to Essex?

---

From: Sahakian, James (NOR)  
Sent: Wednesday, February 27, 2013 11:11 AM  
To: Wechsler, Pamela (NOR)  
Subject: FW: Essex DAO 211-3 re stay of execution in Lab MNTs

Pam, fyi

James W. Sahakian  
Assistant District Attorney  
Chief, Appeals and Training Bureau  
15 Commonwealth Avenue  
Woburn, MA 01801

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---

From: Bender, Robert (NOR)  
Sent: Tuesday, February 26, 2013 2:51 PM  
To: Sahakian, James (NOR); Stevens, Bethany (NOR)  
Subject: Essex DAO 211-3 re stay of execution in Lab MNTs

After review of the Essex DAO petitions for relief from entry of stays of execution in [REDACTED], I recommend we not join in Essex's position.

The first case, [REDACTED] involves a defendant who pleaded guilty to poss Class B w/ intent, felon in possession of ammo (w/ one prior, orig indicted as 3 priors), and poss of ammo; he was sentenced to 4-7 years concurrent. In December, 2012 he filed a MNT based solely on "Dookhan" issues; the appointed special magistrate in Superior Court, John Cratsley, J., retired, (see MRCrimP 47, and Order of Chief Justice of Superior Court Dept) over objection of Com proposed stay of execution, with conditions of cash bail, GPS, live with brother, weekly report to probation, pending disposition of the MNT. Per order of appointment, Com brought issue to Essex RAJ, John Lu, J., who considered the issue "anew" and ordered stay of execution on same terms, adding home confinement, random drug/alcohol screens, and "consent" to any and all requests to search person, housing, vehicle, possessions.

Essex argues that the rule and order do not allow the magistrate to propose such "rulings" for the Superior Court; they also argue that neither the magistrate nor the Superior Court is allowed to stay execution of the sentence being served, unless the MNT is appealed. The first argument is weak: (a) the procedure is that the magistrate merely proposes or recommends, and that the RAJ will impose any order if the Com objects to the magistrate's position; (b) the text of Rule 47 allows a magistrate to set bail (generally as part of the arraignment the magistrate may conduct) and to do other things specified in the order of designation. The order here specifies that in addition to the authority specified in the rule the magistrate shall hear MNT in Lab cases, issue discovery orders and orders in "other matters," and "make proposed findings and rulings for the RAJ." If this is not explicit enough to allow what happened then presumably the order can be made clear.

The bigger issue, and on this Justice Botsford has reported a question to the full bench for April arguments, (it seems that the preliminary question in prior paragraph also is part of the report) is the general authority of the trial court to enter a stay of sentence prior to ruling on the MNT. (The report does not involve issue whether the Lab issues can serve as a basis to withdraw a plea). Here Essex notes that MRCrimP 31, stays pending appeal, does not apply, nor does Rule 30(c) (8). Essex relies on Com v McLaughlin, 431 Mass. 506 (2000), which provides "trial judges lack authority to stay execution of sentence 'on independent grounds not affecting the legality or propriety of the conviction.'" What this referred to was entering a stay for reasons such as personal needs of the defendant (recognized as very limited) or, as in McLaughlin, trying to run a term of imprisonment from and after commitment to Bridgewater (McLaughlin barred that). However, the SJC did not say, and it is doubtful it would say, that in the interests of justice the court cannot stay execution and set bail conditions where there is a substantial issue as to the legal basis for the judgment. This is not to say (and this is not raised in this case) that there should be a stay entered before a MNT is filed.

The rest of the [REDACTED] case involves Essex's issue with the terms of the bail, and the usual arguments about what the judge may consider in setting bail, including the amount of time served/remaining on the sentence. The [REDACTED] case is similar: the defendant pleaded guilty to three counts of trafficking 28 grams or more (orig 100 or more), and poss w/ intent (orig traffick 14 grams or more), and was sentenced to 3 concurrent five to five and a day, and probation f/a. He filed a MNT re the Lab issues, and (prior to magistrate system) a superior court judge denied stay/bail pending disposition. That judge read McLaughlin to allow a stay in the court's discretion. Once the magistrate was appointed, the defendant renewed his motion for stay/bail, won reconsideration, and a recommendation (so construed by the RAJ on Com objection) for bail, which the RAJ ordered. Thus [REDACTED] added to the mix (this case has not yet been acted on by the single justice) a question whether the orig order denying a stay could be reconsidered by the magistrate/RAJ. That is not likely to be prohibited by SJC if reviewed.

Robert J. Bender  
Assistant District Attorney  
Senior Supervisor, Appeals & Training Bureau

Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[REDACTED] [Appeals & Training Bureau]

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**Archived:** Tuesday, March 12, 2019 11:50:43 AM  
**From:** DA Michael OKeefe  
**Sent:** Thu, 7 Mar 2013 15:42:13  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Hinton Lab  
**Sensitivity:** Normal

---

Sure

Sent from my iPhone

On Mar 7, 2013, at 3:36 PM, "Leone, Gerard (DAA)" <gerard.leone@state.ma.us> wrote:

> Can I call you later? Gotta run into something now.

>

>

> Gerard T. Leone, Jr. | Middlesex District Attorney

> 15 Commonwealth Ave., Woburn, MA 01801

> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

>

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>

>

> -----Original Message-----

> From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

> Sent: Thursday, March 07, 2013 3:27 PM

> To: Leone, Gerard (NOR)

> Subject: Re: Hinton Lab

>

> Sure .free now if you are.

>

> Sent from my iPhone

>

> On Mar 7, 2013, at 3:25 PM, "Leone, Gerard (DAA)" <gerard.leone@state.ma.us> wrote:

>

>> You around for a call anytime today on something else? Thx Mike

>>

>>

>> Gerard T. Leone, Jr. | Middlesex District Attorney

>> 15 Commonwealth Ave., Woburn, MA 01801

>> [REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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>>

>>

>> -----Original Message-----

>> From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

>> Sent: Thursday, March 07, 2013 2:59 PM

>> To: DAA-DL-DA&EXEC.ASST

>> Subject: Hinton Lab

>>

>> I suggest a conference call Friday afternoon or Monday among those DAs who expect to seek money from A&F . As you know from the 'bidders ' conference the other day at A &F , paperwork 'must' be submitted by Wednesday at 5 pm. Purpose of conference call to make sure we are on the same page!

>> What is your preference for call:

>> Friday at 11am or 2pm or Monday at 11am ?

>>

>> Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:50:48 AM  
**From:** Wechsler, Pamela (NOR)  
**Sent:** Thu, 7 Mar 2013 15:53:55  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Hinton Lab  
**Sensitivity:** Normal

---

I can't do Friday at 11. Monday at 11 is great.

----- Original Message -----  
From: Leone, Gerard (NOR)  
Sent: Thursday, March 07, 2013 03:24 PM  
To: Wechsler, Pamela (NOR)  
Subject: FW: Hinton Lab

Your preference?  
I can do 1) Friday at 11\* or 2) Monday at 11.

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----  
From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]  
Sent: Thursday, March 07, 2013 2:59 PM  
To: DAA-DL-DA&EXEC.ASST  
Subject: Hinton Lab

I suggest a conference call Friday afternoon or Monday among those DAs who expect to seek money from A&F . As you know from the 'bidders ' conference the other day at A &F , paperwork 'must' be submitted by Wednesday at 5 pm. Purpose of conference call to make sure we are on the same page!

What is your preference for call:  
Friday at 11am or 2pm or Monday at 11am ?

Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:50:55 AM  
**From:** Long, MaryBeth (NOR)  
**Sent:** Thu, 7 Mar 2013 16:11:41  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR)  
**Subject:** RE: proposed response to MWDN  
**Sensitivity:** Normal

---

Thanks very much

Sarah, the other lab is the Amherst lab correct? And we have been impacted indirectly?  
Thanks!

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, March 07, 2013 4:09 PM  
**To:** Long, MaryBeth (NOR); Ellis, Sarah (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** RE: proposed response to MWDN

We understand that the MA State Police and their Crime Lab has a drug analyst staffing plan pending, and are presently implementing it. Despite the challenges that the problems at the Hinton and ? Drug Labs have caused us, we remain confident in the ability of the MSP to execute their remedial staffing plan in a way that minimizes compromise to the time it takes to analyze and process drugs for our usage in presenting our cases in court in a fair, just and timely fashion.

Please bcc me with it when you send it.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**Archived:** Tuesday, March 12, 2019 11:51:07 AM  
**From:** Morrissey, Michael (NFK)  
**Sent:** Thu, 7 Mar 2013 17:36:02  
**To:** Reardon, Ann (EAS); Conley, Daniel (SUF); 'DA Michael OKeefe'; DAA-DL-DA&EXEC.ASST  
**Cc:** Carroll, Jeanmarie (NFK); Krippendorf, Margaret (NFK); Barnett, Kathleen (NFK)  
**Subject:** RE: Hinton Lab  
**Sensitivity:** Normal

---

Friday is better for me or I'll have someone available Monday.

Michael W. Morrissey  
Norfolk District Attorney  
45 Shawmut Road, 2nd Floor  
Canton, MA 02021


 Phone  
 Fax

-----Original Message-----

From: Reardon, Ann (EAS)  
Sent: Thursday, March 07, 2013 3:53 PM  
To: Conley, Daniel (SUF); 'DA Michael OKeefe'; DAA-DL-DA&EXEC.ASST  
Subject: RE: Hinton Lab

Monday would be preferable for Essex

Ann Hooks-Reardon  
Executive Assistant to the District Attorney District Attorney Jonathan Blodgett's Office Ten Federal Street,  
5th Floor Salem, Massachusetts 01970

 FAX  
Email: Ann.H.Reardon@state.ma.us

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-----Original Message-----

From: Conley, Daniel (SUF)  
Sent: Thursday, March 07, 2013 3:42 PM  
To: 'DA Michael OKeefe'; DAA-DL-DA&EXEC.ASST  
Subject: RE: Hinton Lab

Monday at 11.

-----Original Message-----

From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

Sent: Thursday, March 07, 2013 2:59 PM

To: DAA-DL-DA&EXEC.ASST

Subject: Hinton Lab

I suggest a conference call Friday afternoon or Monday among those DAs who expect to seek money from A&F . As you know from the 'bidders ' conference the other day at A &F , paperwork 'must' be submitted by Wednesday at 5 pm. Purpose of conference call to make sure we are on the same page!

What is your preference for call:

Friday at 11am or 2pm or Monday at 11am ?

Sent from my iPhone

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**Archived:** Tuesday, March 12, 2019 11:51:08 AM  
**From:** Leone, Gerard (NOR)  
**To:** Hanafin, James M. (GOV)  
**Subject:** Re: LAB and Media  
**Sensitivity:** Normal

---

Thx Jim

---

**From:** Hanafin, James M. (GOV)  
**Sent:** Thursday, March 07, 2013 05:19 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: LAB and Media

Thanks Gerry

We appreciate the support and I'll pass it along to the Colonel  
Jim

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, March 07, 2013 4:50 PM  
**To:** Matthews, Francis (POL); Hanafin, James M. (GOV)  
**Subject:** LAB and Media

Jim and Frank, FYI. MWDN reporter "looking for comment".  
This is what we gave her.  
Gerry



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Long, MaryBeth (NOR)  
**Sent:** Thursday, March 07, 2013 4:42 PM  
**To:** Krantz, Laura  
**Subject:** response to your request for comment

Hi Laura,  
Here is the response to your request for comment on the drug lab question you are writing about.  
thanks, MaryBeth

### Statement of District Attorney Gerry Leone

We understand that the Massachusetts State Police and their Crime Lab have a drug analyst staffing plan pending, and are presently implementing it. Despite the challenges that the problems at the Hinton and Amherst State Drug Labs have caused us, we remain confident in the ability of the MSP to execute their remedial staffing plan in a way that minimizes compromise to the time it takes to analyze and process drugs for our usage in presenting our cases in court in a fair, just and timely fashion.

**Archived:** Tuesday, March 12, 2019 11:51:21 AM

**From:** Long, MaryBeth (NOR)

**Sent:** Sun, 10 Mar 2013 12:26:09

**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR)

**Subject:** MWDN 3-10-13, After Dookhan, backlog burdens Sudbury drug lab

**Sensitivity:** Normal

---

## **After Dookhan, backlog burdens Sudbury drug lab**

**By Laura Krantz, The MetroWest Daily News, March 10, 2013**

**<http://www.metrowestdailynews.com/newsnow/x1522335818/After-Dookhan-backlog-burdens-Sudbury-drug-lab>**

SUDBURY — Seven chemists in a MetroWest lab are struggling to keep up with a gargantuan backlog of drug samples that mushroomed from 400 to 14,000 in the seven months since the Annie Dookhan evidence tampering scandal, police say.

A little-known effect of the Dookhan crisis is the colossal amount of work suddenly shifted to the state police crime lab in Sudbury, which performs the same duties as the now-closed Hinton Laboratory in Jamaica Plain. Chemists certify the identity of drug samples for police and prosecutors to use as evidence.

Local police evidence officers say the turnaround time for drug sample results has doubled, making them worry it could impact prosecutors' ability to charge people in drug crimes.

"Oh boy is it taking longer," said Marlborough Sgt. Richard Medeiros, who is still waiting for samples he took to the Sudbury lab in August.

Before the Dookhan crisis, in which the chemist from Franklin allegedly tampered with drug samples in as many as 34,000 cases statewide, Medeiros said it took six to eight weeks for the lab, located at 59 Horse Pond Road, to analyze a sample.

"I'm looking at least six months now," he said.

Framingham evidence officer Alan Dubeshter said pre-Dookhan, the turn-around time was six weeks. Post-Dookhan it's three or four months.

He takes fewer trips now, going to the Sudbury lab every three weeks instead of every two.

So far the lag hasn't affected police work, Dubeshter said. But he said judges could dismiss court proceedings if evidence isn't analyzed in time.

Franklin and Milford police, who take about 25 samples each month to the Sudbury lab, said they have not noticed a delay in turnaround time.

Meanwhile, state police understand the backlog's implications and are working to shrink it.

After the Dookhan investigation unfolded last July, state police transferred 8,000 cases from Jamaica Plain to Sudbury, said Massachusetts State Police spokesman David Procopio.

Since then, the Sudbury lab has also taken new drug cases that would have gone to Hinton. The lab analyzes between 300 and 450 drug cases per month, with an average turn-around time of 91 days.

Procopio said the lab has had to prioritize cases because of the increased workload and still has samples from more than five months ago.

State police plan to reduce the backlog by hiring more chemists. Seven are training and two more are undergoing background checks, Procopio said.

"We are devoting increased resources there, which we expect will reduce the backlog and improve turnaround time," Procopio said by email. "That is an important point. Numbers should improve significantly once all new chemists are trained and working." Chemists from the Jamaica Plain lab will not be allowed to return to work at least until after the state inspector general of lab operations finishes his review, Procopio said.

District Attorney Gerry Leone, whose office prosecutes many drug criminals, said he is confident the staffing plan will help alleviate the backlog.

"We remain confident in the ability of the Massachusetts State Police to execute their remedial staffing plan in a way that minimizes compromise to the time it takes to analyze and process drugs for our usage in presenting our cases in court in a fair, just and timely fashion," Leone said in a statement.

**Archived:** Tuesday, March 12, 2019 11:51:24 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR)  
**Subject:** Re: Conference Call on Hinton Lab  
**Sensitivity:** Normal

---

Thanks

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Thursday, March 07, 2013 06:26 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Conference Call on Hinton Lab

Yes, I plan to be in the office. We are gathering the info and I will provide it to you before the call. Thanks.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Thursday, March 07, 2013 06:11 PM  
**To:** Wechsler, Pamela (NOR)  
**Cc:** Ramasci, Michelle (NOR)  
**Subject:** FW: Conference Call on Hinton Lab

We can do it together here if you are in Woburn.  
Please send me anything that would be helpful for me to know/review before then.  
Thanks.

Michelle, can we reschedule my 10:30? I expect this to take an hour.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[Redacted] | [www.middlesexda.com](http://www.middlesexda.com)

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---

**From:** Maguire, Tara (DAA)  
**Sent:** Thursday, March 07, 2013 6:01 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Conference Call on Hinton Lab

To the DAs,

Based upon your responses, the conference call on the Hinton Lab Reserve Account will be Monday at 11 AM.

To participate in the call:

Dial in Number: 781.897.8888  
Access Code: 0110642

Thank you,  
Tara

----- Original Message -----

From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

Sent: Thursday, March 07, 2013 02:58 PM

To: DAA-DL-DA&EXEC.ASST

Subject: Hinton Lab

I suggest a conference call Friday afternoon or Monday among those DAs who expect to seek money from A&F . As you know from the 'bidders ' conference the other day at A &F , paperwork 'must' be submitted by Wednesday at 5 pm. Purpose of conference call to make sure we are on the same page!

What is your preference for call:

Friday at 11am or 2pm or Monday at 11am ?

**Archived:** Tuesday, March 12, 2019 11:51:33 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); Mahon, Patrick (NOR)  
**Subject:** Re: Hinton Lab  
**Sensitivity:** Normal


---

Sounds good, thanks.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Friday, March 08, 2013 07:39 AM  
To: Leone, Gerard (NOR); Mahon, Patrick (NOR)  
Subject: RE: Hinton Lab

Sarah and I met with Pat, Melissa, Scott and Chris Irwin yesterday. We went over items that we want to include-- salaries, supplies, etc. They will have numbers for us on Monday.

=====  
Pamela Wechsler  
Deputy First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Ave., Woburn, MA 01801  


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---

From: Leone, Gerard (NOR)  
Sent: Friday, March 08, 2013 7:38 AM  
To: Wechsler, Pamela (NOR); Mahon, Patrick (NOR)  
Subject: Fw: Hinton Lab

Where are we on prep of necessary submissions to be considered for these monies? I didn't realize there was a necessity to provide paperwork by a Wed deadline.

----- Original Message -----

From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]  
Sent: Thursday, March 07, 2013 02:58 PM  
To: DAA-DL-DA&EXEC.ASST  
Subject: Hinton Lab

I suggest a conference call Friday afternoon or Monday among those DAs who expect to seek money from A&F . As you know from the 'bidders ' conference the other day at A &F , paperwork 'must' be submitted by Wednesday at 5 pm. Purpose of conference call to make sure we are on the same page!

What is your preference for call:

Friday at 11am or 2pm or Monday at 11am ?



Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:51:35 AM  
**From:** Early, Joseph (MID)  
**Sent:** Fri, 8 Mar 2013 21:31:47  
**To:** DA Michael OKeefe  
**Cc:** DAA-DL-DA&EXEC.ASST  
**Subject:** Re: Hinton Lab  
**Sensitivity:** Normal

---

Monday at 11:00 it is

Sent from my iPhone

On Mar 7, 2013, at 2:58 PM, "DA Michael OKeefe" <damichael.okeefe@gmail.com> wrote:

> I suggest a conference call Friday afternoon or Monday among those DAs who expect to seek money from A&F . As you know from the 'bidders ' conference the other day at A &F , paperwork 'must' be submitted by Wednesday at 5 pm. Purpose of conference call to make sure we are on the same page!

> What is your preference for call:

> Friday at 11am or 2pm or Monday at 11am ?

>

> Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:52:28 AM  
**From:** Leone, Gerard (NOR)  
**To:** Stevens, Bethany (NOR)  
**Subject:** FW: ADVANCES - WEEK OF MARCH 10, 2013  
**Sensitivity:** Normal

---

Fyi Bethany

---

**From:** Long, MaryBeth (NOR)  
**Sent:** Monday, March 11, 2013 10:43 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** ADVANCES - WEEK OF MARCH 10, 2013

## STATE HOUSE NEWS SERVICE

ADVANCES – WEEK OF MARCH 10, 2013  
STATE HOUSE NEWS SERVICE

**CLARK FUNDRAISER:** A fundraiser is planned Monday for state Sen. Katherine Clark, who has already declared herself a candidate for Congress to fill the U.S. House seat currently held by Edward Markey. Clark is one of three legislators who have tossed their names into the ring to succeed Markey, who is vying for the open U.S. Senate seat. Markey is going up against U.S. Rep. Stephen Lynch in the Democratic primary to be held April 30. Medford Rep. Carl Sciortino also announced plans to run for the 5th Congressional seat, and Sen. William Brownsberger, a Belmont Democrat, said he is thinking about it. Suggested donations for Clark's fundraiser range from \$100 to \$1,000. (**Monday**, 6:30 p.m., home of Linda O'Koniewski and David Bubier, 40 South Cedar Park, Melrose)

**GOVERNOR'S COUNCIL:** The Governor's Council meets, with plans to vote on attorney Robert Ullmann, Gov. Deval Patrick's pick for an associate justice position on the Superior Court. During his confirmation hearing, Ullmann fended off criticism about federal prosecutors' inability to capture and prosecute James "Whitey" Bulger during the early 1990s. Ullmann, a federal prosecutor in the U.S. Attorney's office at the time, oversaw wiretaps set up to catch Bulger. Ullmann and former U.S. Attorney Wayne Budd told council members they were unaware of the extent of the corruption inside the FBI's Boston bureau, and unable to capture Bulger because of it. (**Wednesday**, 12 p.m., Governor's Council chambers, State House)

**GOVERNOR'S COUNCIL – CONFIRMATION HEARING:** The Governor's Council will interview Gloria Tan, nominated by Gov. Patrick for a Juvenile Court judgeship in the Middlesex County division. Tan is currently the deputy director of the Criminal Justice Institute at Harvard Law School, where she oversees law students who represent indigent adult and juvenile clients in criminal and delinquency cases. She previously worked at the Wilmer Hale Legal Services Center at Harvard Law School, where she supervised students representing clients involved in child custody cases. From 1998 to 2003 she worked for the Committee for Public Counsel Services representing indigent clients in juvenile, district, municipal and superior courts. She received her law degree from Yale Law School in 1998 and her bachelor's degree from Rice University in Houston. (**Wednesday**, 1 p.m., Governor's Council chambers, State House)

**INSPECTOR GENERAL'S COUNCIL:** The Inspector General Council meets Wednesday and its agenda includes an update from the director of the internal special audit unit at the Massachusetts Department of Transportation and an update on the Department of Transitional Assistance as well as the **Hinton lab investigation**. Auditor Suzanne Bump plans to attend. (**Wednesday**, 11:30 a.m., One Ashburton Place, Room 1311, Boston)

**IRISH EYES IN LOWELL:** Democratic Senate rivals Edward Markey and Stephen Lynch will politick and poke fun at each other during the annual St. Patrick's Day breakfast in Lowell Friday morning. The Lowell breakfast mirrors the South Boston St. Patty's Day tradition with rounds of toasting and roasting by local and state politicians. This will be the candidates' first public appearance together since kicking off their campaigns. Last year's breakfast featured appearances by then-Senate hopefuls Elizabeth Warren and Scott Brown. Markey and Lynch are expected to be joined by other Democrats, including Attorney General Martha Coakley, Auditor

Suzanne Bump, and Middlesex District Attorney **Gerard Leone**. The event is hosted by Sen. Eileen Donoghue (D-Lowell) and Lowell City Manager Bernard Lynch. Reps. Thomas Golden (D-Lowell), Kevin Murphy (D-Lowell) and David Nangle (D-Lowell) are also expected to attend. Organizers expect more than 400 people at the event where corned beef and cabbage is forgotten in favor of traditional American breakfast fare. Comedian Paul D'Angelo, a frequent at Giggles Comedy Club, will help inspire the political punditry. The event also raises money for charity, with this year's proceeds benefitting the Boys & Girls Club of Greater Lowell. (**Friday**, 7 a.m. to 9 a.m., The Inn & Conference Center, UMass Lowell)

END

03/08/2013

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**Archived:** Tuesday, March 12, 2019 11:52:41 AM  
**From:** Leone, Gerard (NOR)  
**To:** Matthews, Francis (POL)  
**Cc:** Leone, Gerard (NOR) (Gerry.Leone@MassMail.State.MA.US)  
**Subject:** MWDN 3-10-13, After Dookhan, backlog burdens Sudbury drug lab  
**Sensitivity:** Normal

---

Fyi Frank.

---

**From:** Long, MaryBeth (NOR)  
**Sent:** Sunday, March 10, 2013 12:26 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR)  
**Subject:** MWDN 3-10-13, After Dookhan, backlog burdens Sudbury drug lab

### **After Dookhan, backlog burdens Sudbury drug lab**

**By Laura Krantz, The MetroWest Daily News, March 10, 2013**

<http://www.metrowestdailynews.com/newsnow/x1522335818/After-Dookhan-backlog-burdens-Sudbury-drug-lab>

SUDBURY — Seven chemists in a MetroWest lab are struggling to keep up with a gargantuan backlog of drug samples that mushroomed from 400 to 14,000 in the seven months since the Annie Dookhan evidence tampering scandal, police say. A little-known effect of the Dookhan crisis is the colossal amount of work suddenly shifted to the state police crime lab in Sudbury, which performs the same duties as the now-closed Hinton Laboratory in Jamaica Plain. Chemists certify the identity of drug samples for police and prosecutors to use as evidence.

Local police evidence officers say the turnaround time for drug sample results has doubled, making them worry it could impact prosecutors' ability to charge people in drug crimes.

"Oh boy is it taking longer," said Marlborough Sgt. Richard Medeiros, who is still waiting for samples he took to the Sudbury lab in August.

Before the Dookhan crisis, in which the chemist from Franklin allegedly tampered with drug samples in as many as 34,000 cases statewide, Medeiros said it took six to eight weeks for the lab, located at 59 Horse Pond Road, to analyze a sample.

"I'm looking at least six months now," he said.

Framingham evidence officer Alan Dubeshter said pre-Dookhan, the turn-around time was six weeks. Post-Dookhan it's three or four months.

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Meanwhile, state police understand the backlog's implications and are working to shrink it.

After the Dookhan investigation unfolded last July, state police transferred 8,000 cases from Jamaica Plain to Sudbury, said Massachusetts State Police spokesman David Procopio.

Since then, the Sudbury lab has also taken new drug cases that would have gone to Hinton. The lab analyzes between 300 and 450 drug cases per month, with an average turn-around time of 91 days.

Procopio said the lab has had to prioritize cases because of the increased workload and still has samples from more than five months ago.

State police plan to reduce the backlog by hiring more chemists. Seven are training and two more are undergoing background checks, Procopio said.

"We are devoting increased resources there, which we expect will reduce the backlog and improve turnaround time," Procopio said by email. "That is an important point. Numbers should improve significantly once all new chemists are trained and working." Chemists from the Jamaica Plain lab will not be allowed to return to work at least until after the state inspector general of lab operations finishes his review, Procopio said.

District Attorney Gerry Leone, whose office prosecutes many drug criminals, said he is confident the staffing plan will help alleviate the backlog.

"We remain confident in the ability of the Massachusetts State Police to execute their remedial staffing plan in a way that minimizes compromise to the time it takes to analyze and process drugs for our usage in presenting our cases in court in a fair, just and timely fashion," Leone said in a statement.

**Archived:** Tuesday, March 12, 2019 11:52:55 AM  
**From:** [Wechsler, Pamela \(NOR\)](#)  
**Sent:** Mon, 11 Mar 2013 13:08:19  
**To:** [Leone, Gerard \(NOR\)](#)  
**Subject:** RE: Hinton Lab Funding Conference Call Tomorrow  
**Sensitivity:** Normal

---

Agreed.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 1:02 PM  
**To:** Wechsler, Pamela (NOR)  
**Subject:** RE: Hinton Lab Funding Conference Call Tomorrow

Thank you Pam.  
I would push offices to share info and commit to where they are.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Monday, March 11, 2013 12:53 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: Hinton Lab Funding Conference Call Tomorrow

FYI—I will be on this call with Pat and Melissa.

---

**From:** Maguire, Tara (DAA)  
**Sent:** Monday, March 11, 2013 12:51 PM  
**To:** DAA-DL-DPH Lab Cases; DAA-DL-CFO  
**Subject:** Hinton Lab Funding Conference Call Tomorrow

To DPH Contacts and CFOs,

At the request of the District Attorneys, there will be a conference call **tomorrow, March 12<sup>th</sup> at 11 AM** for all counties seeking funds from A&F's Hinton Lab Reserve Account. The goal of the call will be to coordinate the request from each office so they are relatively consistent with each other, and the original request. The DAs asked me to invite the DPH point persons as well as the CFOs. Each office can determine who is best suited to participate.

To participate in the conference call:

Dial in: 781.897.8888  
Access Code: 0110642

Please let me know who from your office will attend. If you have any questions, please don't hesitate to call or email me.

Thank you,  
Tara

[Tara Maguire](#)  
[Executive Director](#)  
[Massachusetts District Attorneys Association](#)  
[1 Bulfinch Place, # 202](#)  
[Boston, MA 02114](#)





**Archived:** Tuesday, March 12, 2019 11:53:00 AM  
**From:** Leone, Gerard (NOR)  
**To:** Diorio, Melissa (NOR); Wechsler, Pamela (NOR)  
**Subject:** FW: JP LAB: DPH Lab number ask  
**Sensitivity:** Normal

---

fyi

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 1:28 PM  
**To:** Conley, Daniel (SUF)  
**Subject:** RE: JP LAB: DPH Lab number ask

Dan, I have been really concerned about the level of/ lack of preparation by some counties in these matters, and their apparent unwillingness to share their info with the other POCs/CFOs on a recent con call mtg. That doesn't bode well for a collective approach to this, and as before, if A&F sees a lack of coordination and relative legitimate requests, I can only imagine their response will be to hold us to a tedious scrutinized accounting.

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, March 11, 2013 1:24 PM  
**To:** Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** RE: JP LAB: DPH Lab number ask

Well said Gerry. I agree.

Dan C

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 12:56 PM  
**To:** Conley, Daniel (SUF); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** JP LAB: DPH Lab number ask

Thank you Dan.

Our present MDAO ask is at approximately \$200K for costs to date; and approx. \$500K on June 30, 2013. I believe this is roughly in line with our respective impacted JP LAB case amounts.

Based on our call this a.m., I am concerned about *“deficit spending”* as defined by A&F being the standard for our requests. I am also concerned about our DAO requests not aligning correspondingly and collectively with *the case based standard* that A&F seems to be applying. Said differently, if we are all using and applying the same assessment and operational standards, Suffolk should be the gold standard, being the county with the overwhelming number of cases impacted by the JP Lab failures, and we should all fall correspondingly behind them in a case #/\$ amount ratio according to our impacted cases. That does not seem to be the situation, and will serve to set up A&F, given their apparent assessment standards, to be concerned about our individual and collective accounting – potentially leading A&F to take an approach to reimbursement that we may not agree with.

I still am committed to asking for every single cent back that we have spent because of the JP Lab failures, and I consider every dime spent to date to be “deficit spending”, as we did not cause the reason for the spending, didn't plan for it, and cannot afford it without other matters being compromised in our offices – when we were all already on very tight and insufficient budgets.

Call it what you will, whether deficit and/or projected costs/spending, I want every dollar we have spent because of the JP Lab failures since 9/1/13, and I want it asap, as we continue to expend staff hours and resources dealing with this problem on a constant and continual daily basis. The Fourth Quarter of 2013 approaches, and every day we spend money and expend resources on JP Lab without a penny of return money/resources, despite the fact that we are being held to be the governmental moving party who is held in the end to be responsible for the results as the primary gatekeeper and end users of these DPH failures.

Gerry

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, March 11, 2013 11:29 AM  
**To:** DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzziello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** FW: DPH Lab number ask

FYI-see below.

This will be Suffolk's initial request to access the fund established at A&F to remediate the costs associated with the Hinton Lab breach. The \$410,942 represents the amount expended by our office to address Hinton related matters from the announcement of the crisis through March 1. We anticipate further costs through June 30 (and beyond), but for this fiscal year, a total of \$746,436 in supplementary funds is expected.

Thanks,

Dan C

---

**From:** Towle, John (SUF)  
**Sent:** Monday, March 11, 2013 11:18 AM  
**To:** Conley, Daniel (SUF)  
**Subject:** DPH Lab number ask

We are seeking precisely \$410,942 through March 1, and \$746,436 for the full year (to June 30).

**Archived:** Tuesday, March 12, 2019 11:53:12 AM  
**From:** Diorio, Melissa (NOR)  
**Sent:** Mon, 11 Mar 2013 13:29:44  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Subject:** RE: JP LAB: DPH Lab number ask  
**Sensitivity:** Normal

---

No. Thank you for forwarding.

Melissa Diorio  
Director of Human Resources  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801  
Tel: [REDACTED]  
Fax: [REDACTED]

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---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 1:29 PM  
**To:** Wechsler, Pamela (NOR); Diorio, Melissa (NOR)  
**Subject:** FW: JP LAB: DPH Lab number ask

Are you on the below group emails?

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, March 11, 2013 1:24 PM  
**To:** Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** RE: JP LAB: DPH Lab number ask

Well said Gerry. I agree.

Dan C

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 12:56 PM  
**To:** Conley, Daniel (SUF); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
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failures, and we should all fall correspondingly behind them in a case #/\$ amount ratio according to our impacted cases. That does not seem to be the situation, and will serve to set up A&F, given their apparent assessment standards, to be concerned about our individual and collective accounting – potentially leading A&F to take an approach to reimbursement that we may not agree with.

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Gerry

---

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**Sent:** Monday, March 11, 2013 11:29 AM  
**To:** DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** FW: DPH Lab number ask

FYI-see below.

This will be Suffolk’s initial request to access the fund established at A&F to remediate the costs associated with the Hinton Lab breach. The \$410,942 represents the amount expended by our office to address Hinton related matters from the announcement of the crisis through March 1. We anticipate further costs through June 30 (and beyond), but for this fiscal year, a total of \$746,436 in supplementary funds is expected.

Thanks,

Dan C

---

**From:** Towle, John (SUF)  
**Sent:** Monday, March 11, 2013 11:18 AM  
**To:** Conley, Daniel (SUF)  
**Subject:** DPH Lab number ask

We are seeking precisely \$410,942 through March 1, and \$746,436 for the full year (to June 30).

**Archived:** Tuesday, March 12, 2019 11:53:34 AM  
**From:** [Wechsler, Pamela \(NOR\)](#)  
**Sent:** Mon, 11 Mar 2013 13:34:40  
**To:** [Leone, Gerard \(NOR\)](#)  
**Subject:** Re: JP LAB: DPH Lab number ask  
**Sensitivity:** Normal

---

Yes, I will have her put on the list as well.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 01:33 PM  
**To:** Wechsler, Pamela (NOR)  
**Subject:** RE: JP LAB: DPH Lab number ask

Good idea. Keep MPD in the loop to be a buffer too.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Monday, March 11, 2013 1:33 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP LAB: DPH Lab number ask

I will ask Tara to put me on the distribution list.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 1:32 PM  
**To:** Wechsler, Pamela (NOR)  
**Subject:** RE: JP LAB: DPH Lab number ask

All the more reason to have Pat forwarding you and Melissa everything, per my directive this a.m.  
We are getting to the very important times re: \$ now.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Monday, March 11, 2013 1:30 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP LAB: DPH Lab number ask

I am not.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 1:29 PM  
**To:** Wechsler, Pamela (NOR); Diorio, Melissa (NOR)  
**Subject:** FW: JP LAB: DPH Lab number ask

Are you on the below group emails?

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, March 11, 2013 1:24 PM  
**To:** Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** RE: JP LAB: DPH Lab number ask

Well said Gerry. I agree.

Dan C

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 12:56 PM  
**To:** Conley, Daniel (SUF); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** JP LAB: DPH Lab number ask

Thank you Dan.

Our present MDAO ask is at approximately \$200K for costs to date; and approx. \$500K on June 30, 2013. I believe this is roughly in line with our respective impacted JP LAB case amounts.

Based on our call this a.m., I am concerned about *“deficit spending”* as defined by A&F being the standard for our requests. I am also concerned about our DAO requests not aligning correspondingly and collectively with *the case based standard* that A&F seems to be applying. Said differently, if we are all using and applying the same assessment and operational standards, Suffolk should be the gold standard, being the county with the overwhelming number of cases impacted by the JP Lab failures, and we should all fall correspondingly behind them in a case #/\$ amount ratio according to our impacted cases. That does not seem to be the situation, and will serve to set up A&F, given their apparent assessment standards, to be concerned about our individual and collective accounting – potentially leading A&F to take an approach to reimbursement that we may not agree with.

I still am committed to asking for every single cent back that we have spent because of the JP Lab failures, and I consider every dime spent to date to be “deficit spending”, as we did not cause the reason for the spending, didn’t plan for it, and cannot afford it without other matters being compromised in our offices – when we were all already on very tight and insufficient budgets.

Call it what you will, whether deficit and/or projected costs/spending, I want every dollar we have spent because of the JP Lab failures since 9/1/13, and I want it asap, as we continue to expend staff hours and resources dealing with this problem on a constant and continual daily basis. The Fourth Quarter of 2013 approaches, and every day we spend money and expend resources on JP Lab without a penny of return money/resources, despite the fact that we are being held to be the governmental moving party who is held in the end to be responsible for the results as the primary gatekeeper and end users of these DPH failures.

Gerry

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, March 11, 2013 11:29 AM  
**To:** DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** FW: DPH Lab number ask

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Thanks,

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**To:** Conley, Daniel (SUF)  
**Subject:** DPH Lab number ask

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**Archived:** Tuesday, March 12, 2019 11:53:41 AM  
**From:** Leone, Gerard (NOR)  
**To:** Conley, Daniel (SUF)  
**Subject:** RE: JP LAB: DPH Lab number ask  
**Sensitivity:** Normal

---

Unless one is not prepared to meaningfully discuss what they are doing and/or aren't doing anything that approaches what others are doing.

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, March 11, 2013 1:37 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: JP LAB: DPH Lab number ask

I couldn't agree more. There is no reason to be secretive, so I'm disappointed in their approach.

DC

---

**From:** Leone, Gerard (NOR)  
**Sent:** Monday, March 11, 2013 1:28 PM  
**To:** Conley, Daniel (SUF)  
**Subject:** RE: JP LAB: DPH Lab number ask

Dan, I have been really concerned about the level of/ lack of preparation by some counties in these matters, and their apparent unwillingness to share their info with the other POCs/CFOs on a recent con call mtg. That doesn't bode well for a collective approach to this, and as before, if A&F sees a lack of coordination and relative legitimate requests, I can only imagine their response will be to hold us to a tedious scrutinized accounting.

---

**From:** Conley, Daniel (SUF)  
**Sent:** Monday, March 11, 2013 1:24 PM  
**To:** Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
**Cc:** Petruzzello, Luciano (SUF); Towle, John (SUF); Maguire, Tara (DAA)  
**Subject:** RE: JP LAB: DPH Lab number ask

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**To:** Conley, Daniel (SUF); DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
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Gerry

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**To:** DAA-DL-DA&EXEC.ASST; DAA-DL-CFO  
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**Subject:** FW: DPH Lab number ask

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**To:** Conley, Daniel (SUF)  
**Subject:** DPH Lab number ask

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**Archived:** Tuesday, March 12, 2019 11:53:44 AM

**From:** Long, MaryBeth (NOR)

**Sent:** Tue, 12 Mar 2013 14:03:02

**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Stevens, Bethany (NOR)

**Subject:** Boston.com 3-12-13, Single justice of state high court to review drug lab scandal cases

**Sensitivity:** Normal

---

## **Single justice of state high court to review drug lab scandal cases**

**By John R. Ellement, Boston Globe, March 12, 2013**

**<http://www.boston.com/metrodesk/2013/03/12/single-justice-state-high-court-review-drug-lab-scandal-cases/SH21HYa5LHaNH17UdJhyaN/story.html>**

- A court hearing is set for Wednesday that could end with the full state Supreme Judicial Court taking up complex constitutional questions raised by the state drug lab scandal that has jeopardized tens of thousands drug convictions.
- Attorneys for the Committee for Public Counsel Services, the state's public defender agency; the American Civil Liberties Union of Massachusetts; and Essex District Attorney Jonathan Blodgett are to appear before a single justice of the court, Margot Botsford.
- Botsford could rule on three cases that are before her or send one, two, or all of them up to the full court.
- Defense attorneys are hoping that Botsford will release their clients from prison while litigation moves forward about the alleged unreliability of drug testing done by state chemist Annie Dookhan.
- Both defense lawyers and prosecutors have raised multiple legal questions they say the high court must address, including whether retired judges have the power to free convicted drug dealers and whether the court system could save tax dollars by releasing everyone involved in a case in which evidence was tested at Dookhan's lab.
- The drug lab scandal exploded into public view last year when authorities discovered former state chemist Annie Dookhan had allegedly falsified lab results while working at the now-closed Department of Public Health drug lab in Jamaica Plain
- More problems with lab management have since been disclosed. The Patrick administration has estimated Dookhan's alleged misdeeds affected 34,000 cases while public defenders and the ACLU say as many as 190,000 cases were.

**Archived:** Tuesday, March 12, 2019 11:53:48 AM

**From:** Leone, Gerard (NOR)

**To:** Wechsler, Pamela (NOR)

**Cc:** Ramasci, Michelle (NOR)

**Subject:** Re: Hinton Funding letter

**Sensitivity:** Normal

---

I'm leaving Boston by 2. Thanks

---

**From:** Wechsler, Pamela (NOR)

**Sent:** Wednesday, March 13, 2013 01:37 PM

**To:** Leone, Gerard (NOR)

**Cc:** Ramasci, Michelle (NOR)

**Subject:** Hinton Funding letter

Attached please find a draft of the narrative to be submitted today. Thanks.

**Archived:** Tuesday, March 12, 2019 11:53:52 AM  
**From:** Leone, Gerard (NOR)  
**To:** OKeefe, Michael (CPI)  
**Subject:** Fw: JP Lab  
**Sensitivity:** Normal

---

Well done, Mike.  
Gerry

----- Original Message -----  
From: Wechsler, Pamela (NOR)  
Sent: Saturday, March 16, 2013 08:01 AM  
To: Leone, Gerard (NOR); Long, MaryBeth (NOR)  
Subject: JP Lab

State's DAs tally costs of drug lab tampering  
March 16, 2013

By Matt Stout / Boston Herald

The state's top prosecutors say they've already spent \$760,000 — and they expect to drop \$2.5 million by July — since the state drug lab scandal sent the Massachusetts criminal justice system into a tailspin.

The figures, released Thursday by the seven state district attorney's offices most affected by the crisis, include the first detailed count of actual costs created by chemist Annie Dookhan's alleged tampering at the William A. Hinton State Laboratory Institute.

State agencies affected by the scandal were required by Wednesday to submit their incurred costs and projected expenses through the end of this fiscal year to the Executive Office of Administration and Finance, which is expected to mete out reimbursements through a \$30 million supplemental fund.

Among those were the district attorneys' offices in Suffolk, Middlesex, Plymouth, Bristol, Norfolk and Essex counties and the Cape and Islands, which sent samples to the now-shuttered Jamaica Plain lab to be tested.

Suffolk prosecutors alone estimated costs through June 30 at \$746,436, while the others estimated anywhere between \$148,000 to \$360,000.

Through the end of February, five offices had combined to spend \$764,665, though those figures were not available for Norfolk or Suffolk counties.

Worcester County was expected to submit only a "very small amount" while the four Western Massachusetts offices, whose samples were tested elsewhere, did not submit requests, said Cape & Islands District Attorney Michael O'Keefe.

"We're trying to be as circumspect as we can in spending the public's money in this crisis," said O'Keefe, who is also president of the Massachusetts District Attorneys Association. "But having said that, it's something that has to be fixed and the integrity of our system depends on it. We're going about it in the most responsible way that we can."

Alex Zaroulis, an Administration and Finance spokeswoman, said officials will review all requests "expeditiously" before publicly releasing them.

Municipalities, including Boston, will submit theirs at a later time.

**Archived:** Tuesday, March 12, 2019 11:53:54 AM  
**From:** Leone, Gerard (DAA)  
**Sent:** Sat, 16 Mar 2013 08:15:52  
**To:** Wechsler, Pamela (NOR); Long, MaryBeth (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** JP Lab, Cost\$, BH  
**Sensitivity:** Normal

---

Thanks Pam.

----- Original Message -----

From: Wechsler, Pamela (NOR)  
Sent: Saturday, March 16, 2013 08:01 AM  
To: Leone, Gerard (NOR); Long, MaryBeth (NOR)  
Subject: JP Lab

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“expeditiously” before publicly releasing them.

Municipalities, including Boston, will submit theirs at a later time.

**Archived:** Tuesday, March 12, 2019 11:53:59 AM

**From:** Long, MaryBeth (NOR)

**Sent:** Fri, 15 Mar 2013 09:49:22

**To:** NOR-DL-ALL MIDDLESEX USERS

**Subject:** Morning Office Clips: March 15, 2013

**Sensitivity:** Normal

---

**Convicted drug dealer wants new trial due to lab scandal**

**The Lowell Sun, March 14, 2013**

**[http://www.lowellsun.com/breakingnews/ci\\_22789644/convicted-drug-dealer-wants-new-trial-due-lab](http://www.lowellsun.com/breakingnews/ci_22789644/convicted-drug-dealer-wants-new-trial-due-lab)**

- WOBURN -- A Florida man convicted of trafficking Oxycodone wants a new trial because of the alleged misdeeds of former state lab chemist Annie Dookhan.
- David DeStephan has served three years of his 15-year sentence, on charges of trafficking in Oxycodone, possession to distribute a Class E drug and two counts of conspiracy to violate the drug laws.
- In Middlesex Superior Court on Thursday, Special Magistrate Judge Paul Chernoff granted defense attorney Jeanne Earley's request for an April 2 hearing. Earley said she will argue that 15-year prison sentence should be put on hold, and he should be released pending a new trial.
- Prosecutors have acknowledged that Dookhan tested the drugs in this case. DeStephan, 35, formerly of Miami, Fla., was also sentenced to a 15-year concurrent sentence on conspiracy charges.
- "The conspiracy charges are unaffected by the allegations against the Jamaica Plain drug lab or Annie Dookhan," prosecutor Anne Pogue Donohue argued at an earlier hearing.
- Dookhan is accused of faking test results of drug cases, possibly endangering the convictions in thousands of criminal cases. She is facing charges in multiple counties, including Middlesex.

**Lowell man, found with gun in car, pleads guilty to fifth OUI**

**By Lisa Redmond, Lowell Sun, March 15, 2013**

**[http://www.lowellsun.com/local/ci\\_22797099/lowell-man-found-gun-car-pleads-guilty-fifth](http://www.lowellsun.com/local/ci_22797099/lowell-man-found-gun-car-pleads-guilty-fifth)**

- WOBURN -- A 34-year-old Lowell man is behind bars after pleading guilty to his fifth drunken-driving offense, this time driving with a gun and ammunition on the passenger seat next to him.
- In Middlesex Superior Court, Patrick Allain, formerly of 41 Gaudreau St., pleaded guilty to operating under the influence (fifth offense), possession of a large-capacity firearm and ammunition, possession of a firearm with a defaced serial number, possession of a firearm without a firearms-identification card, negligent operation of a motor vehicle, and operating a motor vehicle with a license revoked as a habitual traffic offender.
- Allain was sentenced to three years in state prison followed by two years on probation. While on probation, Allain must undergo an alcohol evaluation, counseling and outpatient treatment. He must refrain from consuming alcohol or drugs, submit to random screens, not drive and not possess any firearms.
- Allain was given 237 days of jail credit.
- According to court documents, at 3 a.m. on July 11, Trooper James Connolly noticed a black Lincoln sedan change lanes without signaling then swerve into the breakdown lane and then back into the first lane.
- The trooper clocked the Lincoln's speed at 85 mph in a 65-mph zone.
- The trooper watched as the Lincoln again drifted into the breakdown lane and then violently corrected itself before narrowly missing a stopped construction vehicle in the breakdown lane.
- After stopping the vehicle, as Connolly approached the lone occupant, Allain, he noticed a strong odor of alcohol from inside the car. Allain's speech was slurred and his eyes glassy. Allain told the trooper he had had two beers.
- Allain refused to perform the field-sobriety tests, so he was arrested. He later refused to take a Breathalyzer.
- During an inventory search of the car, police found a nip of UV blue raspberry-flavored vodka under the driver's seat. The



bottle was almost empty.

- A check of Allain's license showed his license had been revoked as a habitual traffic offender. He had four prior drunken-driving convictions.
- In a cardboard box on the passenger seat, troopers found a "MasterPiece Arms.45 ACP." The firearm was not loaded but there was a large magazine next to it loaded with 30 rounds of ammunition, according to court documents. The serial number had been scratched off.
- Troopers learned Allain did not have a license to carry a firearm. Allain told Connolly he found the gun in Billerica earlier in the day.

### **Two Framingham men arrested in Sudbury drug bust**

**By Norman Miller, The MetroWest Daily News, March 14, 2013**

**<http://www.metrowestdailynews.com/news/x1522338761/Two-Framingham-men-arrested-in-Sudbury-drug-bust>**

- FRAMINGHAM —Two Framingham men arrested Wednesday after a Sudbury police drug investigation are scheduled to be arraigned today in Framingham District Court.
- Brendan Fleming, 24, of 26 Montgomery Drive, and David Akasa, 24, of 72 Harrington Road, were both arrested on Nobscot Road after an investigation by detectives.
- Police said they are both charged with possession with the intent to distribute a Class B substance and conspiracy to violate the state's drug laws.
- Police said the pair had more than 100 pills in their possession, believed to be oxycodone and hydrochloride, which are both Class B substances.
- They also had more than \$3,000 in cash in their possession when arrested.

### **For fourth time within a year, Framingham man is busted on drug dealing charges**

**By Norman Miller, The MetroWest Daily News, March 15, 2013**

**<http://www.metrowestdailynews.com/news/x1522339442/For-fourth-time-within-a-year-Framingham-man-is-busted-on-drug-dealing-charges>**

- A Framingham District Court judge on Thursday revoked bail for a man arrested for the fourth time in a year on charges of dealing oxycodone.
- Judge Robert Greco revoked bail on three open cases for David Akasa who was arrested with another man Wednesday night in Sudbury.
- "Mr. Akasa has treated pretrial release as an invitation to continue doing the same thing," prosecutor Matthew Greenfield said, in arguing for Akasa's bail to be revoked.
- On Wednesday around 8:30 p.m., police pulled over a car on Nobscot Road by driven by Brendan Fleming, 24, after they saw what appeared to be a drug deal, the prosecutor said.
- Both Fleming and Akasa, the passenger, denied having any drugs in the car.
- "Mr Akasa was making furtive movements and kept grasping at his front-right pocket," Greenfield said.
- Police searched Akasa and found 128 various pills believed to be oxycodone and hydrochloride pills. They also found nearly \$2,800 in his pocket, while Fleming had about \$170, Greenfield said.
- Police charged Akasa, 24, of 72 Harrington Road, and Fleming, 24, of 26 Montgomery Road, both in Framingham, with possession of a Class B substance with intent to distribute and conspiracy to violate the state's drug laws.
- Greenfield did not ask for any bail for Fleming, but urge Greco to revoke Akasa's bail on three pending cases.
- In November, Akasa was arrested in Framingham, where police found he had more than 500 oxycodone pills in his car, as well as seven ounces of marijuana and \$1,300 in cash, Greenfield said.
- In April, Framingham Police arrested Akasa who had more than 50 oxycodone pills and more than \$2,000 in his possession, Greenfield said. Akasa was arrested a month earlier in Milford and charged with possession of a Class B substance with intent to distribute after police stopped his car and found 35 oxycodone pills and \$4,300 in cash, the prosecutor said.
- Greenfield told Greco that court was "a revolving door" for Akasa.

- Akasa's lawyer, Mark Helwig, argued against revoking bail. He said his client has ties to the area and has never been convicted of a crime.
- With bail revoked, Akasa will be held without bail for 60 days.
- Both he and Fleming are due back in court on April 25 for a pretrial conference.

### **Police: Woman drank, took pills before Framingham crash**

**By Norman Miller, The MetroWest Daily News, March 15, 2013**

**<http://www.metrowestdailynews.com/news/x1522339477/Police-Woman-had-drunk-taken-pills-before-Framingham-crash>**

- FRAMINGHAM —A Framingham woman who mixed alcohol and anti-depressants crashed her car into a sport utility vehicle on Waverly Street on Wednesday, police said.
- Nitza Morales' blood alcohol level was .24, three times the legal limit of .08 after the 6:35 p.m. crash, police Lt. Victor Pereira said.
- Morales' Honda crashed into the rear of the SUV that had stopped for a red light, police said.
- "The driver said the woman in the other car (Morales) was drinking a possible alcoholic beverage," Pereira said.
- The woman driving the SUV blocked Morales' car so she could not leave, Pereira said.
- When police showed up, Morales was sitting in the backseat. She told police she had drunk two beers. In her purse, police said they found three empty bottles of beer and anti-depressants in several different pill bottles. Each bottle had a label warning against drinking alcohol while taking the medication.
- Police arrested Morales after she failed several field sobriety tests.
- Police charged Morales, of 36B Beaver Park Road, was charged with driving under the influence of liquor, driving under the influence of drugs, driving to endanger and drinking from an open container of liquor while driving. Morales was also cited for following too closely.
- Prosecutors did not request bail at her Framingham District Court arraignment on Thursday and Judge Robert Greco released Morales. Greco refused Morales' request to force the police to return the medication they seized.

**Archived:** Tuesday, March 12, 2019 11:54:03 AM

**From:** Blodgett, Jonathan (EAS)

**Sent:** Thu, 14 Mar 2013 13:06:23

**To:** Leone, Gerard (NOR); DA Michael OKeefe; Conley, Daniel (SUF); Morrissey, Michael (NFK); Sutter, Samuel (BRI); Early, Joseph (MID); Cruz, Timothy (PLY)

**Cc:** Maguire, Tara (DAA)

**Subject:** RE: Hinton Lab meeting with Sec Shor

**Sensitivity:** Normal

---

I can not attend.

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

-----Original Message-----

From: Leone, Gerard (NOR)

Sent: Thursday, March 14, 2013 12:41 PM

To: DA Michael OKeefe; Conley, Daniel (SUF); Blodgett, Jonathan (EAS); Morrissey, Michael (NFK); Sutter, Samuel (BRI); Early, Joseph (MID); Cruz, Timothy (PLY)

Cc: Maguire, Tara (DAA)

Subject: RE: Hinton Lab meeting with Sec Shor

I'd like to be there Mike, this is important, but that day and time presents a direct conflict that I can't avoid.

Sorry, I'll await the debrief.

Gerry

Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801

 [www.middlesexda.com](http://www.middlesexda.com)

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-----Original Message-----

From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

Sent: Thursday, March 14, 2013 12:15 PM

To: Conley, Daniel (SUF); Blodgett, Jonathan (EAS); Leone, Gerard (NOR); Morrissey, Michael (NFK); Sutter, Samuel (BRI); Early, Joseph (MID); Cruz, Timothy (PLY)

Cc: Maguire, Tara (DAA)

Subject: Hinton Lab meeting with Sec Shor

Yesterday we set up with the Sec a meeting for 11 am on March 20 . Knowing some of our colleagues were away i still

wanted the meeting to maximize our influence as early as possible over the disbursement of the 30 million dollars. I have asked DA's Leone ,Sutter and Morrissey if they could attend . The Sec has asked that the meeting be on the 19 th instead if the 20 th. The meeting is now scheduled for March 19 th at 3:30 pm.

Please advise if you can attend.

Thank you.

Sent from my iPhone

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

**Archived:** Tuesday, March 12, 2019 11:54:05 AM

**From:** Morrissey, Michael (NFK)

**Sent:** Thu, 14 Mar 2013 16:57:01

**To:** DA Michael OKeefe

**Cc:** Conley, Daniel (SUF); Blodgett, Jonathan (EAS); Leone, Gerard (NOR); Sutter, Samuel (BRI); Early, Joseph (MID); Cruz, Timothy (PLY); Maguire, Tara (DAA)

**Subject:** Re: Hinton Lab meeting with Sec Shor

**Sensitivity:** Normal

---

I believe that works for me and I will be in town on that day

Sent from my iPhone

On Mar 14, 2013, at 12:14 PM, "DA Michael OKeefe" <damichael.okeefe@gmail.com> wrote:

> Yesterday we set up with the Sec a meeting for 11 am on March 20 . Knowing some of our colleagues were away i still wanted the meeting to maximize our influence as early as possible over the disbursement of the 30 million dollars. I have asked DA's Leone ,Sutter and Morrissey if they could attend . The Sec has asked that the meeting be on the 19 th instead if the 20 th. The meeting is now scheduled for March 19 th at 3:30 pm.

> Please advise if you can attend.

> Thank you.

>

> Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:54:07 AM

**From:** Wechsler, Pamela (NOR)

**Sent:** Mon, 18 Mar 2013 10:17:19

**To:** Leone, Gerard (NOR)

**Subject:** FW: CFO Meeting on March 20th.

**Sensitivity:** Normal

---

FYI—I plan to attend the CFO meeting with Melissa and Pat.

---

**From:** Petruzzello, Luciano (SUF)

**Sent:** Friday, March 15, 2013 3:27 PM

**To:** DAA-DL-CFO; Scott, Marilyn (DAA)

**Subject:** CFO Meeting on March 20th.

Good Moring to Everyone,

We have confirmed the meeting date for Wednesday, March 20th at 1:30 at our Office headquarters located at One Bulfinch Place, Boston. For those of you who have never been to our Office, we occupy floors 3 through 9 in the building and are located directly above the MDAA's Office. The Boston Sports Club is on the first floor. Upon entering the building, please proceed to the third floor reception area and you will be directed to the conference.

I extended invitations to all three of our Beacon Hill analysts and so far received a response from William Nguyen (A & F) that he will be attending. We should be able to have a good discussion with Mr. Nguyen and hopefully an update on the status of the Hinton Lab Reserve Funding. I intend to follow-up with the others to confirm their availability also.

I will need to know which members of your Office will be in attendance on Wednesday and would appreciate if you forward your response to me ASAP. When forwarding your response, please also list any items you wish to add to the agenda for discussion. For those of you who will need overnight accommodations, I suggest the Wydham Boston Beacon Hill Hotel at 5 Blossom St., Boston. They offer a government rate of around \$160/room/night and is within a very short walk of our office. If anyone has any difficulties making reservations, please contact me and I will be glad to assist. Finally, I will make reservations for dinner at a local restaurant for us however, please let me know if you are available to attend that event also. Because dinner will be compliments of D A Conley, we will not serve lunch at the meeting but will provide refreshments and light snacks.

Enjoy the weekend and we hope to see everyone next week.

Luciano

**Archived:** Tuesday, March 12, 2019 11:54:11 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); 'Melissa.Diorio@state.ma.us'  
**Subject:** Hinton Lab  
**Sensitivity:** Normal

---

Fyi

----- Original Message -----

From: Leone, Gerard (NOR)  
Sent: Tuesday, March 19, 2013 09:11 PM  
To: 'damichael.okeefe@gmail.com' <damichael.okeefe@gmail.com>; DAA-DL-DA&EXEC.ASST  
Subject: Re: Hinton Lab

Thank you Mike.

Any sense of WHEN we might receive the money, and what the distribution/administration/oversight/justification mechanisms will be??

----- Original Message -----

From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]  
Sent: Tuesday, March 19, 2013 09:09 PM  
To: DAA-DL-DA&EXEC.ASST  
Subject: Hinton Lab

Today DA Morrissey , myself and Tara met with A&F Sec. Shor and several members of his staff . We described our efforts since the beginning of the crisis and they expressed on behalf of the Governor appreciation for what we have done ( and have not done).  
The process is to forward to the Governor their recommendations which they expect to complete within a week . The municipalities seeking funds are going through EOPPs in a parallel but separate process .  
I remain cautiously optimistic that we will receive our modest request.

Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:54:18 AM  
**From:** O'Keefe, Michael (CPI)  
**Sent:** Sat, 16 Mar 2013 09:29:12  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: JP Lab  
**Sensitivity:** Normal

---

Thanks Gerry

Sent from my iPhone

On Mar 16, 2013, at 8:16 AM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Well done, Mike.  
> Gerry  
>  
> ----- Original Message -----  
> From: Wechsler, Pamela (NOR)  
> Sent: Saturday, March 16, 2013 08:01 AM  
> To: Leone, Gerard (NOR); Long, MaryBeth (NOR)  
> Subject: JP Lab  
>  
> State's DAs tally costs of drug lab tampering  
> March 16, 2013  
>  
> By Matt Stout / Boston Herald  
>  
> The state's top prosecutors say they've already spent \$760,000 — and they expect to drop \$2.5 million by July — since the state drug lab scandal sent the Massachusetts criminal justice system into a tailspin.  
>  
> The figures, released Thursday by the seven state district attorney's offices most affected by the crisis, include the first detailed count of actual costs created by chemist Annie Dookhan's alleged tampering at the William A. Hinton State Laboratory Institute.  
>  
> State agencies affected by the scandal were required by Wednesday to submit their incurred costs and projected expenses through the end of this fiscal year to the Executive Office of Administration and Finance, which is expected to mete out reimbursements through a \$30 million supplemental fund.  
>  
>  
> Among those were the district attorneys' offices in Suffolk, Middlesex, Plymouth, Bristol, Norfolk and Essex counties and the Cape and Islands, which sent samples to the now-shuttered Jamaica Plain lab to be tested.  
>  
> Suffolk prosecutors alone estimated costs through June 30 at \$746,436, while the others estimated anywhere between \$148,000 to \$360,000.  
>  
> Through the end of February, five offices had combined to spend \$764,665, though those figures were not available for Norfolk or Suffolk counties.  
>  
> Worcester County was expected to submit only a "very small amount" while the four Western Massachusetts offices, whose samples were tested elsewhere, did not submit requests, said Cape & Islands District Attorney Michael O'Keefe.  
>  
> "We're trying to be as circumspect as we can in spending the public's money in this crisis," said O'Keefe,



who is also president of the Massachusetts District Attorneys Association. “But having said that, it’s something that has to be fixed and the integrity of our system depends on it. We’re going about it in the most responsible way that we can.”

>

> Alex Zaroulis, an Administration and Finance spokeswoman, said officials will review all requests “expeditiously” before publicly releasing them.

>

> Municipalities, including Boston, will submit theirs at a later time.

**Archived:** Tuesday, March 12, 2019 11:54:22 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); 'Melissa.Diorio@state.ma.us'  
**Cc:** Pelgro, Michael (NOR); Mahon, Patrick (NOR); 'gerard.leone@state.ma.us'  
**Subject:** JP Lab: Hinton Lab  
**Sensitivity:** Normal

---

Fyi

----- Original Message -----

From: OKeefe, Michael (CPI)  
Sent: Tuesday, March 19, 2013 09:20 PM  
To: Leone, Gerard (NOR)  
Cc: damichael.okeefe@gmail.com <damichael.okeefe@gmail.com>; DAA-DL-DA&EXEC.ASST  
Subject: Re: Hinton Lab

When we drilled down on that they were reluctant to say when the Governor who will make final approval would move . My intuition is two weeks to a month.  
There was no mention of site visits or any of that but the Secretary make the point that the process they were engaged in was to insure that in the event they had to go back to the legislature seeking more money they would have a solid process to demonstrate that the money was indeed spent for ' necessary and reasonable' Hinton costs .

I should also mention that I raised the issue of Amherst to let them know that after a thorough vetting of that issue there may be costs associated with Amherst which are yet unknown.  
Sent from my iPhone

On Mar 19, 2013, at 9:11 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

> Thank you Mike.

> Any sense of WHEN we might receive the money, and what the distribution/administration/oversight/justification mechanisms will be??

>

>

> ----- Original Message -----

> From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

> Sent: Tuesday, March 19, 2013 09:09 PM

> To: DAA-DL-DA&EXEC.ASST

> Subject: Hinton Lab

>

> Today DA Morrissey , myself and Tara met with A&F Sec. Shor and several members of his staff . We described our efforts since the beginning of the crisis and they expressed on behalf of the Governor appreciation for what we have done ( and have not done).

> The process is to forward to the Governor their recommendations which they expect to complete within a week . The municipalities seeking funds are going through EOPPs in a parallel but separate process .

> I remain cautiously optimistic that we will receive our modest request.

>

> Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:54:29 AM  
**From:** Leone, Gerard (NOR)  
**To:** Capeless, David (BER)  
**Subject:** Re: Hinton Lab  
**Sensitivity:** Normal

---

You continue to be a clear voice of reason.

----- Original Message -----

From: Capeless, David (BER)  
Sent: Wednesday, March 20, 2013 11:13 AM  
To: OKeefe, Michael (CPI); Leone, Gerard (NOR)  
Cc: damichael.okeefe@gmail.com <damichael.okeefe@gmail.com>; DAA-DL-DA&EXEC.ASST  
Subject: RE: Hinton Lab

What do you mean by the phrase, "after a thorough vetting of that issue, there may be costs associated with Amherst that are yet unknown"? Or, more to the point, how did A&F take your meaning? The Amherst Lab is causing the three western DAs the same problems (albeit, on a smaller scale) as is being experienced by the DAs served by Hinton, yet no one in the administration appears to be paying any attention to the situation. I hope yesterday's meeting did not reinforce that attitude.

-----Original Message-----

From: OKeefe, Michael (CPI)  
Sent: Tuesday, March 19, 2013 9:21 PM  
To: Leone, Gerard (NOR)  
Cc: damichael.okeefe@gmail.com; DAA-DL-DA&EXEC.ASST  
Subject: Re: Hinton Lab

When we drilled down on that they were reluctant to say when the Governor who will make final approval would move. My intuition is two weeks to a month. There was no mention of site visits or any of that but the Secretary make the point that the process they were engaged in was to insure that in the event they had to go back to the legislature seeking more money they would have a solid process to demonstrate that the money was indeed spent for 'necessary and reasonable' Hinton costs.

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Sent from my iPhone

On Mar 19, 2013, at 9:11 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

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> Any sense of WHEN we might receive the money, and what the distribution/administration/oversight/justification mechanisms will be??  
>  
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> ----- Original Message -----

> From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]  
> Sent: Tuesday, March 19, 2013 09:09 PM  
> To: DAA-DL-DA&EXEC.ASST  
> Subject: Hinton Lab  
>

> Today DA Morrissey, myself and Tara met with A&F Sec. Shor and several members of his staff. We

described our efforts since the beginning of the crisis and they expressed on behalf of the Governor appreciation for what we have done ( and have not done).

> The process is to forward to the Governor their recommendations which they expect to complete within a week . The municipalities seeking funds are going through EOPPs in a parallel but separate process .

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>

> Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:54:38 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR); 'Melissa.Diorio@state.ma.us'  
**Cc:** 'gerard.leone@state.ma.us'  
**Subject:** JP LAB \$ Re: DAs' meeting with A&F  
**Sensitivity:** Normal

---

Nothing new to us. We will need to keep an accounting of all we request, and be able to justify it.

---

**From:** Wechsler, Pamela (NOR)  
**Sent:** Wednesday, March 20, 2013 01:00 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: DAs' meeting with A&F

FYI

---

**From:** Maguire, Tara (DAA)  
**Sent:** Wednesday, March 20, 2013 12:58 PM  
**To:** DAA-DL-CFO  
**Cc:** Franco, Jennifer (DAA)  
**Subject:** DAs' meeting with A&F

To the CFOs,

Yesterday DAs O'Keefe and Morrissey, and I met with A&F Secretary Shor and several members of his staff. The goal of the meeting was to explain the DAs' situation, their need for reimbursement as quickly as possible, and to stress the DAs' careful use of the taxpayer dollar.

Secretary Shor anticipated that his office will complete their review of the applications and prepare their recommendations on the disbursement of the \$30M fund by the end of the week. However, they must then seek the Governor's approval of their plan, so they would not commit to a date when their decision would be finalized. Interestingly, municipalities were not required to meet last Wednesday's deadline; they must first go through EOPSS, after which their requests will be forwarded to A&F. It seems as though A&F must anticipate their needs as they review the other requests since the municipalities will be funded with the same \$30M Reserve Fund.

Once their decisions are final, they expect all disbursements to go out at the same time (with the exception of the municipalities). They suggested some sort of contract will be required as well, but they are not sure what the contract will entail. I expressed concern about the timing of the release of the funds, and the DAs' ability to spend it prior to the end of the fiscal year. They are considering seeking a PAC on the \$30M Reserve Fund; if they do, the PAC will follow the money into the child accounts. I also asked about whether, having directed office funds into the Hinton Lab scandal, DA offices would be allowed to spend the reimbursements for non-Hinton related costs. They responded that they were working on that too, but understood the issue, particularly for the first distribution of funds (covering money spent through 2/28). If allowed, the Budget Director strongly suggested each office create a "memo to the file" detailing how the reimbursement funds were spent (and explaining that the money the DA office spent on Hinton cases would have, but for Hinton, been spent on the same costs you for which you are applying the reimbursement funds.)

Please do not hesitate to call or email me if you have any questions. We didn't get firm answers yesterday, but the DAs made a strong case for the DA community's need.

Thanks,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  
[REDACTED]

**Archived:** Tuesday, March 12, 2019 11:54:40 AM  
**From:** Wechsler, Pamela (NOR)  
**Sent:** Wed, 20 Mar 2013 12:26:16  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Hinton Lab  
**Sensitivity:** Normal

---

Ok. Whenever you would like.

-----Original Message-----

From: Leone, Gerard (NOR)  
Sent: Wednesday, March 20, 2013 12:25 PM  
To: Wechsler, Pamela (NOR)  
Subject: Fw: Hinton Lab

Fyi, let's talk soon about all of this.

----- Original Message -----

From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]  
Sent: Wednesday, March 20, 2013 12:13 PM  
To: Capeless, David (BER)  
Cc: OKeefe, Michael (CPI); Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST  
Subject: Re: Hinton Lab

I don't know what the A&F people thought other than the plain meaning of what I said .  
With regard to Amherst my oft repeated suggestion about that issue is that the concerned offices have to put together the kind of data that supported the Hinton lab ask as a first step( ie number of cases affected per office , resources needed to deal with them etc). Once that is done then a request to the legislature and administration for an appropriation to address it.  
We might want to have this on the agenda for our next meeting for a further discussion.

Sent from my iPhone

On Mar 20, 2013, at 11:13 AM, "Capeless, David F (DAA)" <david.f.capeless@state.ma.us> wrote:

> What do you mean by the phrase, "after a thorough vetting of that issue, there may be costs associated with Amherst that are yet unknown"? Or, more to the point, how did A&F take your meaning? The Amherst Lab is causing the three western DAs the same problems (albeit, on a smaller scale) as is being experienced by the DAs served by Hinton, yet noone in the administration appears to be paying any attention to the situation. I hope yesterday's meeting did not reinforce that attitude.

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> -----Original Message-----

> From: OKeefe, Michael (CPI)  
> Sent: Tuesday, March 19, 2013 9:21 PM  
> To: Leone, Gerard (NOR)  
> Cc: damichael.okeefe@gmail.com; DAA-DL-DA&EXEC.ASST  
> Subject: Re: Hinton Lab

>

> When we drilled down on that they were reluctant to say when the Governor who will make final approval would move . My intuition is two weeks to a month.

> There was no mention of site visits or any of that but the Secretary make the point that the process they were engaged in was to insure that in the event they had to go back to the legislature seeking more money they would have a solid process to demonstrate that the money was indeed spent for ' necessary and

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> Sent from my iPhone

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> On Mar 19, 2013, at 9:11 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

>

>> Thank you Mike.

>> Any sense of WHEN we might receive the money, and what the distribution/administration/oversight/justification mechanisms will be??

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>>

>> ----- Original Message -----

>> From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

>> Sent: Tuesday, March 19, 2013 09:09 PM

>> To: DAA-DL-DA&EXEC.ASST

>> Subject: Hinton Lab

>>

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>> Sent from my iPhone



**Archived:** Tuesday, March 12, 2019 11:54:42 AM  
**From:** Capeless, David (BER)  
**Sent:** Wed, 20 Mar 2013 15:21:41  
**To:** DA Michael OKeefe  
**Cc:** OKeefe, Michael (CPI); Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST  
**Subject:** RE: Hinton Lab  
**Sensitivity:** Normal

---

Then, in order to start the process anew, MDAA should be sending a letter to the Governor requesting additional assistance to deal with the Amherst Lab debacle, similar to the letter that was initially sent to the Governor when we learned of the Hinton Lab debacle.

-----Original Message-----

From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]  
Sent: Wednesday, March 20, 2013 12:14 PM  
To: Capeless, David (BER)  
Cc: OKeefe, Michael (CPI); Leone, Gerard (NOR); DAA-DL-DA&EXEC.ASST  
Subject: Re: Hinton Lab

I don't know what the A&F people thought other than the plain meaning of what I said .  
With regard to Amherst my oft repeated suggestion about that issue is that the concerned offices have to put together the kind of data that supported the Hinton lab ask as a first step( ie number of cases affected per office , resources needed to deal with them etc). Once that is done then a request to the legislature and administration for an appropriation to address it.  
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Sent from my iPhone

On Mar 20, 2013, at 11:13 AM, "Capeless, David F (DAA)" <david.f.capeless@state.ma.us> wrote:

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>

> -----Original Message-----

> From: OKeefe, Michael (CPI)  
> Sent: Tuesday, March 19, 2013 9:21 PM  
> To: Leone, Gerard (NOR)  
> Cc: damichael.okeefe@gmail.com; DAA-DL-DA&EXEC.ASST  
> Subject: Re: Hinton Lab

>

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> On Mar 19, 2013, at 9:11 PM, "Leone, Gerard (NOR)" <Gerry.Leone@MassMail.State.MA.US> wrote:

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>> Thank you Mike.

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>> ----- Original Message -----

>> From: DA Michael OKeefe [<mailto:damichael.okeefe@gmail.com>]

>> Sent: Tuesday, March 19, 2013 09:09 PM

>> To: DAA-DL-DA&EXEC.ASST

>> Subject: Hinton Lab

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>> The process is to forward to the Governor their recommendations which they expect to complete within a week . The municipalities seeking funds are going through EOPPs in a parallel but separate process .

>> I remain cautiously optimistic that we will receive our modest request.

>>

>> Sent from my iPhone

**Archived:** Tuesday, March 12, 2019 11:55:22 AM  
**From:** Leone, Gerard (NOR)  
**To:** 'Leslie Walker'  
**Subject:** RE: Meeting on 4/1  
**Sensitivity:** Normal

---

Thanks Leslie!



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

**From:** Leslie Walker [mailto:[lwalker@plsma.org](mailto:lwalker@plsma.org)]  
**Sent:** Thursday, March 21, 2013 4:21 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Meeting on 4/1

I look forward to calling you next Friday morning.  
Your call whether Pam joins us or not.  
And good luck in your new job. I will be sending you fundraising letters! Just kidding.

Leslie  
On Thu, Mar 21, 2013 at 4:10 PM, Leone, Gerard (DAA) <[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)> wrote:  
Great.  
My cell is [REDACTED] and direct line at work is below.  
Do you want Pam to be available, or do you want to just talk between us?  
Once I leave on 4/12, the conversation goes with me.  
Talk to you then Leslie.  
Gerry



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Leslie Walker [mailto:[lwalker@plsma.org](mailto:lwalker@plsma.org)]  
**Sent:** Thursday, March 21, 2013 4:08 PM

**To:** Leone, Gerard (NOR)  
**Subject:** Re: Meeting on 4/1

The rest of my day stinks. Friday at 9?

On Thu, Mar 21, 2013 at 4:05 PM, Leone, Gerard (DAA) <[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)> wrote:

I just realized I have a United Way event that day from 7:30-9 a.m.

I could dial you up from the car on my way between there and GJ that day? Otherwise, I free up after GJ at 11ish for the remainder of the day.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Leslie Walker [mailto:[walker@plsma.org](mailto:walker@plsma.org)]

**Sent:** Thursday, March 21, 2013 4:03 PM

**To:** Leone, Gerard (NOR)

**Subject:** Re: Meeting on 4/1

How about 9 AM on March 28th?

On Thu, Mar 21, 2013 at 4:00 PM, Leone, Gerard (DAA) <[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)> wrote:

Sure Leslie.

(But I'm not sure what the "buy in" is other than everyone should be considering, based on what info we all have, and pending the IGO investigation results, whether there is a larger than Chemist Dookhan Lab issue that might cause more than Dookhan cases to be compromised such that the BRD standard may be difficult to meet.)

I have a lot of flexibility next Thursday and Friday. What works best for you?



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
[REDACTED] | [www.middlesexda.com](http://www.middlesexda.com)

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**From:** Leslie Walker [mailto:[walker@plsma.org](mailto:walker@plsma.org)]

**Sent:** Thursday, March 21, 2013 3:51 PM

**To:** Leone, Gerard (NOR)

**Subject:** Re: Meeting on 4/1

How about a phone appointment next Th or Fri am to brainstorm possible ideas for greater buy in from other DAs?

On Thu, Mar 21, 2013 at 3:42 PM, Leone, Gerard (DAA) <[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)> wrote:

Either way. I'm happy to talk in person or by phone whenever you want, between us or with Pam Wechsler who is my POC here for JP Lab.

I've made known my thoughts with the DAs – frankly my thoughts that have been shared with WBUR and others is based on the discovery which we all possess (and I'm sure personal perspective).



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15 Commonwealth Ave., Woburn, MA 01801  
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**From:** Leslie Walker [mailto:[lwalker@plsma.org](mailto:lwalker@plsma.org)]  
**Sent:** Thursday, March 21, 2013 3:38 PM

**To:** Leone, Gerard (NOR)  
**Subject:** Re: Meeting on 4/1

I understand.

In a nutshell, I and many others were very pleased with your thoughtful WBUR interview on the Hinton lab scandal. I wondered if you would be willing to publicize your thoughtful approach to the resolution of at least some of these cases and/or encourage other DAs to do what you discussed in the interview?

Can someone else cover that conversation or should we just have a 5 minute phone call?

Thanks  
Leslie

On Thu, Mar 21, 2013 at 3:29 PM, Leone, Gerard (DAA) <[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)> wrote:

I do Leslie, but most of my conversations and meetings, given my status here now, are being done by/with others, because most issues are going to continue after my departure date of 4/12.



Gerard T. Leone, Jr. | Middlesex District Attorney  
15 Commonwealth Ave., Woburn, MA 01801  
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**From:** Leslie Walker [mailto:[lwalker@plsma.org](mailto:lwalker@plsma.org)]  
**Sent:** Thursday, March 21, 2013 3:07 PM  
**To:** Leone, Gerard (NOR)  
**Subject:** Re: Meeting on 4/1

Thanks Gerry. Do you have any availability for coffee on Thursday or Friday of next week, 3/28 or 3/29?  
Leslie

On Wed, Mar 20, 2013 at 2:42 PM, Leone, Gerard (DAA) <[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)> wrote:

Ok Matt.

Leslie, cue up a different time/date. Perhaps your issue is the jail overcrowding?

As my time is likely to be constrained between now and April 12th, if I become available, I will have proxies there.

Gerry

---

**From:** Matt Segal [mailto:[MSegal@aclum.org](mailto:MSegal@aclum.org)]  
**Sent:** Wednesday, March 20, 2013 02:31 PM  
**To:** Leone, Gerard (NOR)  
**Cc:** [lwalker@plsma.org](mailto:lwalker@plsma.org) <[lwalker@plsma.org](mailto:lwalker@plsma.org)>  
**Subject:** Meeting on 4/1

Hi Gerry,

Leslie Walker, whom I've copied on this message, mentioned to me your suggestion that she join our meeting at your office on April 1. My sense from talking with Leslie, however, is that the discussion she proposes to have with you is different from the one I had hoped that you and I would undertake.

Obviously, you're busy, and I'm happy to do whatever you prefer. Either way, I look forward to meeting you on April 1. Until then, feel free to call anytime about this issue.

Best,  
Matt

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts  
211 Congress Street  
Boston, MA 02110  
Tel: [REDACTED]  
Web: [www.aclum.org](http://www.aclum.org)

**Archived:** Tuesday, March 12, 2019 11:55:34 AM  
**From:** Leone, Gerard (NOR)  
**To:** Wechsler, Pamela (NOR)  
**Cc:** Mahon, Patrick (NOR); 'Melissa.Diorio@state.ma.us'; 'gerard.leone@state.ma.us'  
**Subject:** JP LAB: Hinton Reserve - Request for Further Documentation  
**Sensitivity:** Normal

---

Thanks Pam.  
March 26 @ 5 pm deadline.

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**From:** Wechsler, Pamela (NOR)  
**Sent:** Sunday, March 24, 2013 10:39 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** Fw: Hinton Reserve - Request for Further Documentation

FYI-I will work on tomorrow.

---

**From:** Mahon, Patrick (NOR)  
**Sent:** Sunday, March 24, 2013 10:07 AM  
**To:** Wechsler, Pamela (NOR); Diorio, Melissa (NOR)  
**Cc:** Pelgro, Michael (NOR); Ellis, Sarah (NOR)  
**Subject:** FW: Hinton Reserve - Request for Further Documentation

---

**From:** ANF Hinton Reserve Funding (ANF)

**To:** ANF Hinton Reserve Funding (ANF); Connolly, Grace (DPH); Butler, Lucia (BRI); 'Susan Burstein'; Collins, Debora (DPH); Donaghey, Ellen (EPS); Dudkiewicz, Donna (NWD); Mahon, Patrick (NOR); Towle, John (SUF); Foltz, Carol (DPH); Petruzzello, Luciano (SUF); Boyle, Nancy (SUF); Farrelly, Marybeth (IGO); 'Joshua Giles'; Ramunno, Sue (EAS); Crippa, Shelley (BER); Krippendorf, Margaret (NFK); Barnett, Kathleen (NFK); 'PALesperance@DOC.STATE.MA.US'; McCabe, Kelli-Ann (CPI); Thibeault, Sharon (CPI); Broderick, Deborah (POL); Cronin, John (POL); Cruise, Donna (PLY); Kiggen, Christine (PLY); Dacri, Liz (MID); Maguire, Tara (DAA); McNally, Mary (WES)  
**Cc:** Schultz, Emme (ANF); Faherty, Sean (ANF); Scalley, Regina (ANF); Zaroulis, Alex (ANF); Gosselin, Brian (ANF); Haddad, Billy (ANF); Jefferies, Kristen; Steed, Emily (ANF); Sullivan, David E. (ANF); Nguyen, William (ANF)  
**Subject:** Hinton Reserve - Request for Further Documentation

Thank you for your March 13 submission for funding from the Hinton reserve.

ANF's next step is to determine the appropriate total ISA amount for your office for incurred and projected FY 2013 costs that are reasonable, necessary and reasonably connected to responding to and or investigating the Hinton Crime lab breach.

In an effort to ensure that we gather sufficient documentation at this stage, we are reaching out to you to request the following additional information:

**For each individual category of Hinton costs (for each object class), please attach a narrative description that explains how your office arrived at the incurred and projected costs. ANF needs to be able to read the narrative description for each object class and understand what the incurred and projected costs relate to. Your description should enable ANF to determine why the cost is reasonable, necessary and reasonably connected to the Hinton response.**

The information that was initially submitted did not provide sufficient level of detail to allow us to understand how the total amount requested tied back to underlying costs.

*Example of Object Class Narrative Description for ISA:*

<i>Object Code</i>	<i>Incurred</i>	<i>Projected</i>	<i>Total</i>	<i>Narrative (Describe build-up to category total and explain why this cost is necessary and reasonable in connection to Hinton response)</i>
<i>Category</i>				
<i>AA Staff</i>	<i>\$24,000</i>	<i>\$32,000</i>	<i>\$56,000</i>	<i>4 full time contract staff [insert position type/title] each working 40 hours per week 100% dedicated to [describe function linked to Hinton] and each earning \$2,000 per month</i>
<i>Projected = 4 X \$2,000 / month X 4 months = \$32,000</i>				
<i>Incurred = Hired in December, includes costs through February 28. 4 positions X \$2,000/month X 3 months = 24,000</i>				

For any staffing costs, please provide a level of detail that includes: total number of FTEs requested, number of those currently on payroll, number projected to be by June 30, and number of new FTEs and descriptions of positions.

If relevant to your agency, ANF welcomes all information you can provide that will transparently show the impact of the Hinton-response on the usual workload in your office. For example, the approximate usual average number of drug samples handled per year, the approximate number of drug samples handled this year, and the approximate number of Hinton-response related samples being handled this year.

Please return this information to the ANF Hinton mailbox no later than **Tuesday, March 26<sup>th</sup> at 5:00 pm. Early submissions are welcome.** ANF will not execute ISAs for any agency until all these initial submissions have been received, analyzed and approved; your attention to this deadline will help to process ISAs and first payments in a timely manner.

Thank you,

FY13 Hinton Reserve Funding Team  
Executive Office For Administration and Finance  
Room 373, State House  
Boston, MA 02133



**Archived:** Tuesday, March 12, 2019 11:55:37 AM  
**From:** Wechsler, Pamela (NOR)  
**Sent:** Sun, 24 Mar 2013 11:16:33  
**To:** Leone, Gerard (NOR)  
**Cc:** Ellis, Sarah (NOR)  
**Subject:** JP Lab  
**Sensitivity:** Normal

---

Gerry,

Our new paralegal, Melissa Madden, has affirmatively identified over 700 JP/Dookhan cases. She has done this by reviewing the thousands of Dookhan emails that we received as part of discovery.

This is a fraction of what we expect to identify in the upcoming weeks and months.

We are in the process of working with police departments, locating certs, and determining if these cases are Dookhan cases or JP Lab cases.

Once we have this information, we suggest that we think about releasing the list of cases, perhaps in batches of 100, to defense counsel, the court, and, perhaps, the media.

We don't want to release a thousand names at once because it will overwhelm our staff, as we expect we will then receive a thousand discovery requests and motions.

Please let us know if you would like to discuss.

**Archived:** Tuesday, March 12, 2019 11:55:39 AM  
**From:** [Pogue, Anne \(NOR\)](#)  
**Sent:** Fri, 22 Mar 2013 15:19:18  
**To:** [NOR-DL-ALL MIDDLESEX ADA's](#)  
**Cc:** [Irwin, Chris \(NOR\)](#); [Madden, Melissa \(NOR\)](#); [Cunningham, Ashley \(NOR\)](#)  
**Subject:** More JP Lab Discovery  
**Sensitivity:** Normal  
**Attachments:**  
[AD 11th Notice of Discovery.docx](#);

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Hello All,

Attached please find the 11th Notice of Discovery related to the JP-Hinton Lab. As with Discovery 10, the attachments are too voluminous to print, so please contact Ashley, Christina Lucci, or me if you need a CD of the documents to provide to d/c (Ashley is out for the rest of today). Please serve and file in the normal course if you have a JP case, and please make the appropriate changes to the highlighted sections of the Notice.

If you have any questions about a JP case, please feel free to contact Sara DeSimone, Christina Lucci, or me, and please keep us updated as to the status of your case.

Thank you,

Anne

**Anne Pogue Donohue**  
**Assistant District Attorney**  
**Middlesex District Attorney's Office**  
**15 Commonwealth Avenue**  
**Woburn, MA 01801**  
**T. 781-897-6845**  
**F. 781-897-8324**

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

COURT DEPT.  
DOCKET NO.

COMMONWEALTH

v.

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**COMMONWEALTH'S ELEVENTH NOTICE OF DISCOVERY REGARDING  
WILLIAM A. HINTON STATE LABORATORY**

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Now comes the Commonwealth in the above-entitled matter and, consistent with its ongoing obligations, provides the following items of discovery, reproduced on the attached disc, which were received from the Attorney General's Office on March 21, 2013:

1. Massachusetts State Police report from Jeremy Miller, dated February 25, 2013 (12 pages);
2. Massachusetts State Police report from Jeremy Miller, dated February 28, 2013, regarding "Found Samples" (18 pages);
3. Massachusetts State Police report from Jeremy Miller, dated February 28, 2013, regarding "Found Samples – MSP Case Numbers 13-04561 and 13-04569" (8 pages);
4. Massachusetts State Police report from Det. Lt. Brian Moore (2 pages);
5. Massachusetts State Police report from Trooper Carly Rose (2 pages);
6. Massachusetts State Police report from Jeremy Miller, dated March 11, 2013 (8 pages); and
7. Photographs of the Hinton Laboratory taken on 9/11/12 (3.02 gigabytes).

Respectfully submitted  
For the Commonwealth,

GERARD T. LEONE, JR.  
DISTRICT ATTORNEY

By: \_\_\_\_\_  
[NAME]  
Assistant District Attorney  
[ADDRESS]  
BBO No. \_\_\_\_\_

DATED: \_\_\_\_\_

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, Assistant District Attorney, served the attached motion and all attachments on counsel for the defendant **[by first class mail/by email/by facsimile/in hand]**, on the date noted below.

\_\_\_\_\_  
[NAME]  
Assistant District Attorney

DATED: \_\_\_\_\_

**Archived:** Tuesday, March 12, 2019 11:55:41 AM

**From:** O'Brien, Cara (NOR)

**Sent:** Tue, 2 Apr 2013 08:31:16

**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Long, MaryBeth (NOR); Guyotte, Stephanie (NOR)

**Subject:** Boston Globe: More signs of disarray in closed state drug lab

**Sensitivity:** Normal

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## **More signs of disarray in closed state drug lab**

By Scott Allen and Andrea Estes, The Boston Globe, April 2, 2013

<http://www.bostonglobe.com/metro/2013/04/01/massachusetts-inspector-general-finds-sloppy-drug-handling-throughout-closed-state-lab/eTaNsZheYcih2vPopC7MJM/story.html>

- State investigators have found at least a half-dozen drug samples scattered about the state lab in Jamaica Plain, documents show, raising questions about the integrity of all testing where indicted state chemist Annie Dookhan worked.
- Investigators for the state inspector general, who have been combing through the closed lab for months, found a plastic bag containing “a white rock substance” and test tubes “containing unknown substances” in one supervisor’s office. They found pills taped to a lab bench cabinet and old samples, including marijuana submitted in 1996.
- The findings, in a confidential report by the attorney general, add fuel to defense lawyers’ arguments that virtually all drug tests done there since 2003 are suspect, expanding the number of cases that could be affected by the scandal from the 34,000 handled by Dookhan to the 190,000 cases processed by the entire lab.
- A leading authority on crime labs said that failing to secure and track all evidence is a fundamental failure in a crime lab.
- “In a good laboratory, it’s important to be able to maintain an intact chain of custody of all evidence,” said Ralph Keaton, executive director of the American Society of Crime Laboratory Directors/Laboratory Accreditation Board. “There’s no way you can track the chain of custody of anything found on the floor or taped to a desk.”
- Keaton’s organization accredits the vast majority of federal, state and large local laboratories in the country. Unlike hundreds of other crime labs nationwide, including the Boston police crime lab, the Massachusetts lab was not - accredited, meaning the chemists were not held to the most rigorous standards.
- Dookhan is facing 27 criminal charges related to mishandling or falsifying drug evidence, as part of a massive review of cases in which she served as the analyst. Already, nearly 300 offenders have been released after evidence analyzed by Dookhan was questioned.
- Matthew Segal of the American Civil Liberties Union of Massachusetts said the illegal drugs found lying about the lab reflects labwide problems that undermine the credibility of all drug testing there.
- “If I didn’t know what I already knew about the lab — it wasn’t accredited, it lacked procedures, it didn’t keep the sorts of paperwork most labs would keep — I might be a little less alarmed,” said Segal.
- “We already think that any defense attorney who handled any case in that lab involving evidence from any chemist since 2003 has grounds to file for postconviction release.”
- But prosecutors said they believe the inspector general’s discoveries will not jeopardize cases handled by other chemists in the lab.
- “People at my office aren’t overly alarmed,” said Norfolk District Attorney Michael W. Morrissey. “We can’t point to any cases that were directly affected. You’re trying to find out if the other shoe is going to drop. That’s everyone’s question. What they did or didn’t do. How bad is the problem? We’ll have to wait for the result of the forensic investigation.”
- Jake Wark, spokesman for Suffolk District Attorney Daniel F. Conley, said that the samples that were discovered may have no bearing on cases that were actually tried. “They could be linked to closed cases or no cases at all,” he said.
- Inspector General Glenn A. Cunha sent investigators to the drug lab in January and February as part of a sweeping investigation of the lab’s practices that is not expected to be completed until later this year. While Attorney General

Martha Coakley is handling the criminal investigation, Cunha is looking at the lab's procedures and whether problems extend beyond Annie Dookhan.

- The investigators' visits, described in memos written by State Police officials who accompanied them, found the lab exactly as workers left it on the evening of Aug. 29. The next morning, State Police closed the lab and did not allow employees back in.
- The field reports contain little analysis, and it is clear, in some instances, that investigators did not know exactly what they found. For instance, investigators described finding three glass jars of samples that look like dried mushrooms, but did not say what the samples are.
- Another photo showed what appeared to be a marijuana sample submitted by a Milton police detective, but there is no accompanying description.
- It is clear that they found at least half a dozen samples of what appeared to be drugs that were not in the evidence room or some other secure place. For example, several test tubes containing "unknown substances" were in a desk drawer of former lab supervisor Charles B. Salemi. One of the containers was dated July 20, 1983.
- Jack Meyers, spokesman for the inspector general, would not characterize the findings, but said the reports were evidence "that we're doing a very meticulous and thorough investigation."
- The union that represents the 11 chemists in the lab, out on paid leave since the lab was closed, defended their expertise and said they are eager to return to work.
- "Make no mistake, these people want to get back to work, preferably with the State Police crime lab," said Joe Dorant, president of the Massachusetts Organization of State Engineers and Scientists.
- Dorant would not comment on the inspector general's reports.
- But defense lawyer Michael Tumplosky said the inspector general's discoveries should bolster the motion he filed for a new trial in a case that involved a chemist other than Dookhan at the Hinton lab.
- "Who are the adults at this lab or was it a case of the inmates running the asylum?" said Tumplosky. "You know there's a problem when the guy who is supposed to be in charge has a bag of crack on his desk for no apparent reason."

**Archived:** Tuesday, March 12, 2019 11:55:49 AM  
**From:** Pelgro, Michael (NOR)  
**Sent:** Fri, 5 Apr 2013 07:48:48  
**To:** Leone, Gerard (NOR)  
**Subject:** RE: Operation RASOR: Focused Deterrence Program  
**Sensitivity:** Normal

---

Got it. Thanks.



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)

[REDACTED] (office)  
[REDACTED] (fax)  
[REDACTED] (mobile)

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 7:47 AM  
**To:** Pelgro, Michael (NOR)  
**Subject:** Re: Operation RASOR: Focused Deterrence Program

Ellis and our prevention people can be helpful and have an interest in such matters.

---

**From:** Pelgro, Michael (NOR)  
**Sent:** Friday, April 05, 2013 07:42 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: Operation RASOR: Focused Deterrence Program

FYI re preventive crime initiative in the Cambridge-Somerville-Everett area.

I previously spoke to Nicole about her participation in this planning meeting.



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)

[REDACTED] (office)  
[REDACTED] (fax)  
[REDACTED] (mobile)

---

**From:** Allain, Nicole (NOR)

**Sent:** Thursday, April 04, 2013 5:49 PM  
**To:** Pelgro, Michael (NOR)  
**Cc:** Dunigan, Elizabeth (NOR)  
**Subject:** Operation RASOR: Focused Deterrence Program  
**Importance:** High

Hi Mike

I went to this meeting today at Cambridge PD. This is going to be known as "Operation RASOR" (you'll see why in the attached memos). The law enforcement participants are Cambridge PD, Somerville PD, Everett PD and the MDAO. Today was just a planning meeting. There were a number of service providers representing agencies and religious programs who provide assistance with things such as housing, jobs, mental health and substance abuse. The meeting was well attended. The plan is to have another planning meeting in about 2 weeks (which may just be directed at service providers) so that the organizers can evaluate the service provider representatives that they have involved and determine what other service provider representatives may be needed. They are hoping to have the first "Operation RASOR" meeting involving the target offender group in about a month. The first targeted group of individuals will be people released as a result of the Dookhan Lab situation. Many of those people are Cambridge, Somerville and Everett's well-known and frequent offenders. As the program evolves, the hope is to be able to go into the jails and correctional facilities to get people before they are released into the community to have this meeting.

The plan for the "Operation RASOR" Meeting is that it will run in the following manner: people will be sent letters in the mail inviting them to the meeting. At the meeting, law enforcement will give a scripted and choreographed presentation telling the people that they have a lot of services available to them in the hopes that they will not reoffend. There will then be a presentation from the service providers about the resources they can provide to them so they don't have to turn back to a life of crime. Then the law enforcement group (police and MDAO) will give a short statement essentially saying, "we know who you are, we'll be watching you, if you choose not to take advantage of all of these services available to you, and go back to a life of crime, we'll be here waiting to investigate, arrest and prosecute you again."

This program is also being conducted in Suffolk County and it is apparently pretty successful. The US Attorney's Office participates in that program. Would you be able to reach out to someone there to find out what type of a statement they give to the people at the meetings? I think it would be helpful in crafting what we should say at these meetings. I think our role is pretty self explanatory and everyone at the meeting is already familiar with the role of the DA so there really isn't much to say above and beyond my sentence in the last paragraph but there might be some other helpful/ informative things we can say.

I'll keep you updated as the plans for the program become more concrete. I'll leave a copy of these handouts as well as a sample letter that will be sent to the invitees on your chair.

Thanks,  
Nicole

Beth: I wanted you to know about this too since Everett is participating in this program.

Nicole L. Allain  
Assistant District Attorney  
15 Commonwealth Avenue  
Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]  
[nicole.allain@state.ma.us](mailto:nicole.allain@state.ma.us)

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**Archived:** Tuesday, March 12, 2019 11:55:52 AM  
**From:** Ellis, Sarah (NOR)  
**Sent:** Fri, 5 Apr 2013 08:42:19  
**To:** Leone, Gerard (NOR)  
**Cc:** Pelgro, Michael (NOR)  
**Subject:** Re: Operation RASOR: Focused Deterrence Program  
**Sensitivity:** Normal

---

Thanks: I think this is an outgrowth of impact players- idea had been discussed at that meeting, which Nicole attends, but I didn't realize it was about to be effectuated.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 07:45 AM  
**To:** Ellis, Sarah (NOR)  
**Cc:** Pelgro, Michael (NOR)  
**Subject:** Fw: Operation RASOR: Focused Deterrence Program

Fyi

---

**From:** Pelgro, Michael (NOR)  
**Sent:** Friday, April 05, 2013 07:42 AM  
**To:** Leone, Gerard (NOR)  
**Subject:** FW: Operation RASOR: Focused Deterrence Program

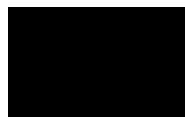
FYI re preventive crime initiative in the Cambridge-Somerville-Everett area.

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Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)



(office)  
(fax)  
(mobile)

---

**From:** Allain, Nicole (NOR)  
**Sent:** Thursday, April 04, 2013 5:49 PM  
**To:** Pelgro, Michael (NOR)  
**Cc:** Dunigan, Elizabeth (NOR)  
**Subject:** Operation RASOR: Focused Deterrence Program  
**Importance:** High

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such as housing, jobs, mental health and substance abuse. The meeting was well attended. The plan is to have another planning meeting in about 2 weeks (which may just be directed at service providers) so that the organizers can evaluate the service provider representatives that they have involved and determine what other service provider representatives may be needed. They are hoping to have the first "Operation RASOR" meeting involving the target offender group in about a month. The first targeted group of individuals will be people released as a result of the Dookhan Lab situation. Many of those people are Cambridge, Somerville and Everett's well-known and frequent offenders. As the program evolves, the hope is to be able to go into the jails and correctional facilities to get people before they are released into the community to have this meeting.

The plan for the "Operation RASOR" Meeting is that it will run in the following manner: people will be sent letters in the mail inviting them to the meeting. At the meeting, law enforcement will give a scripted and choreographed presentation telling the people that they have a lot of services available to them in the hopes that they will not reoffend. There will then be a presentation from the service providers about the resources they can provide to them so they don't have to turn back to a life of crime. Then the law enforcement group (police and MDAO) will give a short statement essentially saying, "we know who you are, we'll be watching you, if you choose not to take advantage of all of these services available to you, and go back to a life of crime, we'll be here waiting to investigate, arrest and prosecute you again."

This program is also being conducted in Suffolk County and it is apparently pretty successful. The US Attorney's Office participates in that program. Would you be able to reach out to someone there to find out what type of a statement they give to the people at the meetings? I think it would be helpful in crafting what we should say at these meetings. I think our role is pretty self explanatory and everyone at the meeting is already familiar with the role of the DA so there really isn't much to say above and beyond my sentence in the last paragraph but there might be some other helpful/ informative things we can say.

I'll keep you updated as the plans for the program become more concrete. I'll leave a copy of these handouts as well as a sample letter that will be sent to the invitees on your chair.

Thanks,  
Nicole

Beth: I wanted you to know about this too since Everett is participating in this program.

Nicole L. Allain  
Assistant District Attorney  
15 Commonwealth Avenue  
Woburn, MA 01801  
Phone: [REDACTED]  
Fax: [REDACTED]  
[nicole.allain@state.ma.us](mailto:nicole.allain@state.ma.us)

*The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.*

**Archived:** Tuesday, March 12, 2019 11:56:01 AM  
**From:** Ramasci, Michelle (NOR)  
**Sent:** Fri, 5 Apr 2013 13:40:24  
**To:** Pelgro, Michael (NOR)  
**Cc:** Leone, Gerard (NOR)  
**Subject:** FW: Conference Call on Hinton Lab Today  
**Sensitivity:** High

---

Hi Mike,  
Can you please jump on this call, per our conversation? I can't locate Pam or Ashley, and I tried Pam on her cell as well. Stephanie informed me that Sarah left for Lowell, and I also cannot locate Anne Pogue. I'm sorry! Gerry would just like someone to be on the call. It is possible that Pam is already on the call hence why she didn't answer her cell. Thanks!

Thanks,  
Michelle

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 1:35 PM  
**To:** Ramasci, Michelle (NOR)  
**Subject:** Fw: Conference Call on Hinton Lab Today  
**Importance:** High

---

**From:** Maguire, Tara (DAA)  
**Sent:** Friday, April 05, 2013 12:48 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Conference Call on Hinton Lab Today

To the DAs,

Kate Cook, the Governor's Chief Legal Counsel, has requested to meet with you via conference call **today at 1:30 PM** to update you on discovery issues in Hinton Lab cases.

To participate in the call, please call:

Dial In: 781.897.8888  
Access Code: 0110642

I apologize for the short notice! I will send an update on any information provided immediately after the call for those who cannot participate.

Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  
[REDACTED]

**Archived:** Tuesday, March 12, 2019 11:56:27 AM  
**From:** Leone, Gerard (NOR)  
**To:** Pelgro, Michael (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Ramasci, Michelle (NOR)  
**Subject:** Re: Conference Call on Hinton Lab Today  
**Sensitivity:** Normal

---

Thank you

---

**From:** Pelgro, Michael (NOR)  
**Sent:** Friday, April 05, 2013 02:26 PM  
**To:** Leone, Gerard (NOR); Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Ramasci, Michelle (NOR)  
**Subject:** RE: Conference Call on Hinton Lab Today

I joined the conference call in progress and I missed the first 10-12 minutes of it.

Based on the questions, I was able to determine that it related to a new e-discovery database that the state will be rolling out toward the end of the month. The database will have search tools and is being billed as a much more efficient method of searching for information about Hinton Lab cases. It was unclear whether this database will be available only to prosecutors or to defense counsel as well but Kate Cook and Doug Rice stated there would be further calls and/or meetings before the data is released.

Kate Cook also stated that the state has hired Byron Knight to be the point person on the Hinton Lab data. She would not state that David Meier is no longer involved in the process, or is being phased out of it, but it appears that Byron Knight is now the person to contact.

The database is limited to the Hinton Lab although it was acknowledged that there are "major issues" coming out of the Amherst Lab.

There was a lot of talk about all of the work the DA's offices have done, communication, collaboration, etc.

Michael O'Keefe asked the \$64,000 question – when will the DA's Offices see any money?

She was unwilling to make a firm promise but she stated that the approval to release money will be within a matter of days rather than weeks.

Even O'Keefe seemed pleased with that response.



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)

(office)  
(fax)  
(mobile)

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 1:55 PM  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Ramasci, Michelle (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: Conference Call on Hinton Lab Today

Let me know how it goes please.

I asked Michelle to ask Pelgro to get on the call to cover whatever was so time sensitive where we could not locate either of you, given the 42 minute time notice(!) the Gov's Office gave us.

Thanks

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Friday, April 05, 2013 01:43 PM  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: Conference Call on Hinton Lab Today

Sorry: I'm in Lowell on the motion w Lafferty.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 01:31 PM  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Fw: Conference Call on Hinton Lab Today

---

**From:** Maguire, Tara (DAA)  
**Sent:** Friday, April 05, 2013 12:48 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Conference Call on Hinton Lab Today

To the DAs,

Kate Cook, the Governor's Chief Legal Counsel, has requested to meet with you via conference call **today at 1:30 PM** to update you on discovery issues in Hinton Lab cases.

To participate in the call, please call:

Dial In: 781.897.8888  
Access Code: 0110642

I apologize for the short notice! I will send an update on any information provided immediately after the call for those who cannot participate.

Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  
[REDACTED]

**Archived:** Tuesday, March 12, 2019 11:56:54 AM

**From:** Leone, Gerard (DAA)

**Sent:** Fri, 5 Apr 2013 19:45:13

**To:** Pelgro, Michael (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Diorio, Melissa (NOR)

**Cc:** Leone, Gerard (NOR)

**Subject:** JP LAB: Update on Conference Call with Governor's Legal Counsel

**Sensitivity:** Normal

---

"Within days" will remain to be seen! And how we get it, and how it is administered, and how it is to be overseen - will be interesting

---

**From:** Pelgro, Michael (NOR)

**Sent:** Friday, April 05, 2013 02:37 PM

**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR); Ellis, Sarah (NOR)

**Cc:** 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>

**Subject:** RE: Update on Conference Call with Governor's Legal Counsel

I think she missed the part where the Governor's Counsel said we would getting Hinton Lab money within days. ☺



Michael J. Pelgro  
First Assistant District Attorney  
Middlesex District Attorney's Office  
15 Commonwealth Avenue  
Woburn, MA 01801

[michael.pelgro@state.ma.us](mailto:michael.pelgro@state.ma.us)

(office)  
(fax)  
(mobile)

---

**From:** Leone, Gerard (NOR)

**Sent:** Friday, April 05, 2013 2:35 PM

**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR); Pelgro, Michael (NOR)

**Cc:** 'gerard.leone@state.ma.us'

**Subject:** JP LAB: Update on Conference Call with Governor's Legal Counsel

Fyi

---

**From:** Maguire, Tara (DAA)

**Sent:** Friday, April 05, 2013 02:24 PM

**To:** DAA-DL-DA&EXEC.ASST

**Cc:** DAA-DL-DPH Lab Cases

**Subject:** Update on Conference Call with Governor's Legal Counsel

To the DAs,

For those DAs who could not participate, we just completed the conference call with Kate Cook, Governor's Chief Legal Counsel, and Doug Rice.


Kate reports that the Governor's Legal Office has now hired Byron Knight, a Suffolk Superior Court ADA, as a full-time Special

Assistant Attorney General to represent the Administration on all Hinton Drug Lab discovery motions. He will also be the point person on Amherst Lab issues going forward. Doug Rice will wind down his role as SAAG, and return to his full-time post as General Counsel to the Department of Recreation and Tourism. However, he will be available to assist with the transition.

The IG is done scanning all documents in the Hinton Lab, and Kate projects that the database for e-discovery will be turned over by the vendor to the Administration by the end of the month. The Governor's Legal Office will also hire a consultant (on contract) as an e-discovery specialist to assist with responding to individual discovery motions.

If you have any questions, please don't hesitate to call or email me.

Thanks,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  


**Archived:** Tuesday, March 12, 2019 11:56:57 AM  
**From:** Leone, Gerard (NOR)  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Cc:** Casey, Alice (NOR)  
**Subject:** LPD CI  
**Sensitivity:** Normal

---

Please let me know how things turned out whenever you get a chance.  
Thanks Sarah.  
Gerry

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Friday, April 05, 2013 03:26 PM  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR); Pelgro, Michael (NOR)  
**Cc:** Casey, Alice (NOR)  
**Subject:** Re: LPD CI

TY! This has been a circus with ct room full of defense attnys. We're still putting on evidence, so no Lafferty yet. Alice and Kristyn Dusel have been great.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 03:20 PM  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Pelgro, Michael (NOR); 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>; 'alice.casey@state.ma.us' <alice.casey@state.ma.us>  
**Subject:** Re: LPD CI

Understood.  
Mike is contacting the Essex DAO today, so hopefully we can add a paragraph 6 to our present Notice of Discovery soon.

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Friday, April 05, 2013 02:43 PM  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Cc:** Pelgro, Michael (NOR); 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>; 'alice.casey@state.ma.us' <alice.casey@state.ma.us>  
**Subject:** Re: LPD CI

Understood. I just raised it to show that LPD hasn't had counsel communicating with him (also not our problem) and because of that he has a misperception and is inappropriately giving an ada a hard time.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 02:34 PM  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Pelgro, Michael (NOR); 'gerard.leone@state.ma.us' <gerard.leone@state.ma.us>; 'alice.casey@state.ma.us' <alice.casey@state.ma.us>  
**Subject:** LPD CI

It isn't our job "to protect" Lafferty, unless it is in the appropriate legal realm akin to "protecting" the identity of a CI, where there is established caselaw under Lugo, Ennis, and their progeny.



---

**From:** Ellis, Sarah (NOR)  
**Sent:** Friday, April 05, 2013 02:23 PM  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Cc:** Ramasci, Michelle (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: Conference Call on Hinton Lab Today

Thanks. I've already gone on record once at sidebar indicating that our discovery notice filed today contains the information known at this time concerning the status of any LPD investigation into a CI used by Detective Lafferty, and I also stated that we understood from LPD that Det Lafferty had been assigned to desk duty.

Defense counsel Debbie Dewitt is trying to elicit all kinds of information about the LPD "ci program" and I indicated to the court that since this was a motion to suppress a stop, and not a challenge to the warrant, the questioning appeared to be outside the scope of the motion. Judge Cremins agreed. Lafferty hasn't testified yet, but once Lafferty gets on the stand this afternoon, as we discussed, questions put to him that go to his credibility will not raise objections from the cw. I'm second seating the motion and I'm handling the ci issues.

Chief Friedl just called me. She said they're trying to get someone over here (counsel) to talk to Lafferty, but it's an 11th hour situation. I let her know that Pam had spoken with Lt Rouin last night and informed him that we could not legally advise lpd or lafferty, but that Lafferty appeared today and asked Alice why we "weren't willing to protect him." Friedl then talked to Lafferty I think about privilege, but I don't know what the outcome will be. Ct back in session: I'll let you know what else comes up.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 01:54 PM  
**To:** Ellis, Sarah (NOR); Wechsler, Pamela (NOR)  
**Cc:** Ramasci, Michelle (NOR); Pelgro, Michael (NOR)  
**Subject:** Re: Conference Call on Hinton Lab Today

Let me know how it goes please.

I asked Michelle to ask Pelgro to get on the call to cover whatever was so time sensitive where we could not locate either of you, given the 42 minute time notice(!) the Gov's Office gave us.

Thanks

---

**From:** Ellis, Sarah (NOR)  
**Sent:** Friday, April 05, 2013 01:43 PM  
**To:** Leone, Gerard (NOR); Wechsler, Pamela (NOR)  
**Subject:** Re: Conference Call on Hinton Lab Today

Sorry: I'm in Lowell on the motion w Lafferty.

---

**From:** Leone, Gerard (NOR)  
**Sent:** Friday, April 05, 2013 01:31 PM  
**To:** Wechsler, Pamela (NOR); Ellis, Sarah (NOR)  
**Subject:** Fw: Conference Call on Hinton Lab Today

---

**From:** Maguire, Tara (DAA)  
**Sent:** Friday, April 05, 2013 12:48 PM  
**To:** DAA-DL-DA&EXEC.ASST  
**Subject:** Conference Call on Hinton Lab Today

To the DAs,

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Thank you,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  


**Archived:** Tuesday, March 12, 2019 11:57:00 AM

**From:** Sullivan, David (NWD)

**Sent:** Sat, 6 Apr 2013 12:40:21

**To:** Maguire, Tara (DAA)

**Cc:** DAA-DL-DA&EXEC.ASST; DAA-DL-DPH Lab Cases; Bucci, Jeremy (NWD); Fitzgerald, Jennifer (WES); Locke, Richard (BER); Russo, Michael (NWD)

**Subject:** Re: Update on Conference Call with Governor's Legal Counsel

**Sensitivity:** Normal

---

Great news. Glad the Patrick Administration is starting to take things more seriously with the Amherst and Hinton Drug Labs. Sorry to miss conference call . Dave

Sent from my iPhone

On Apr 5, 2013, at 2:24 PM, "Maguire, Tara (DAA)" <[TMaguire@MassMail.State.MA.US](mailto:TMaguire@MassMail.State.MA.US)> wrote:

To the DAs,


For those DAs who could not participate, we just completed the conference call with Kate Cook, Governor's Chief Legal Counsel, and Doug Rice.

Kate reports that the Governor's Legal Office has now hired Byron Knight, a Suffolk Superior Court ADA, as a full-time Special Assistant Attorney General to represent the Administration on all Hinton Drug Lab discovery motions. He will also be the point person on Amherst Lab issues going forward. Doug Rice will wind down his role as SAAG, and return to his full-time post as General Counsel to the Department of Recreation and Tourism. However, he will be available to assist with the transition.

The IG is done scanning all documents in the Hinton Lab, and Kate projects that the database for e-discovery will be turned over by the vendor to the Administration by the end of the month. The Governor's Legal Office will also hire a consultant (on contract) as an e-discovery specialist to assist with responding to individual discovery motions.

If you have any questions, please don't hesitate to call or email me.

Thanks,  
Tara

Tara Maguire  
Executive Director  
Massachusetts District Attorneys Association  
1 Bulfinch Place, # 202  
Boston, MA 02114  


**Archived:** Tuesday, March 12, 2019 11:57:07 AM

**From:** Leone, Gerard (NOR)

**To:** Thompson, Richard R III

**Subject:** Re: Fwd: Middlesex District Attorney

**Sensitivity:** Normal

---

**From:** Richard Thompson [mailto:rthompson@sherbornpolice.org]

**Sent:** Sunday, April 07, 2013 05:17 PM

**To:** Leone, Gerard (NOR)

**Subject:** Fwd: Middlesex District Attorney

---

Sent from my iPhone

Begin forwarded message:

**From:** "Deveau, Edward" <[edeveau@police.watertown-ma.gov](mailto:edeveau@police.watertown-ma.gov)>

**Date:** April 7, 2013, 5:12:24 PM EDT

**To:** "Hicks, James" <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>

**Cc:** Acton-Widmayer <[fwidmayer@town.acton.ma.us](mailto:fwidmayer@town.acton.ma.us)>, Ashby <[chief@ashbypd.com](mailto:chief@ashbypd.com)>, Ayer-Murray <[pdchief@ayer.ma.us](mailto:pdchief@ayer.ma.us)>, Bedford-Bongiorno <[rbongiorno@police.bedfordma.gov](mailto:rbongiorno@police.bedfordma.gov)>, Belmont-McLaughlin <[rmclaughlin@belmontpd.org](mailto:rmclaughlin@belmontpd.org)>, Billerica-Rosa <[drosa@billericapolice.org](mailto:drosa@billericapolice.org)>, Boxborough-Ryder <[ryder@boxboroughpolice.com](mailto:ryder@boxboroughpolice.com)>, Burlington-Kent <[mkent@burlmass.org](mailto:mkent@burlmass.org)>, Cambridge-Haas <[rhaas@cambridgepolice.org](mailto:rhaas@cambridgepolice.org)>, Carlisle-Fisher <[jfisher@carlislepolice.com](mailto:jfisher@carlislepolice.com)>, Chelmsford-Murphy <[chiefmurphy@townofchelmsford.us](mailto:chiefmurphy@townofchelmsford.us)>, Concord-Neal <[bneal@concordnet.org](mailto:bneal@concordnet.org)>, Dracut-Richardson <[chiefrichardson@dracutpolice.com](mailto:chiefrichardson@dracutpolice.com)>, Dunstable-Downes <[jdownes@dunstablepd.us](mailto:jdownes@dunstablepd.us)>, Everett-Mazzie <[steven.mazzie@ci.everett.ma.us](mailto:steven.mazzie@ci.everett.ma.us)>, Framingham-Carl <[SBC@framinghamma.org](mailto:SBC@framinghamma.org)>, Groton-Palma <[dpalma@townofgroton.org](mailto:dpalma@townofgroton.org)>, Holliston <[Chief@hollistonpolice.com](mailto:Chief@hollistonpolice.com)>, Hopkinton-Flannery <[rflannery@hopkintonpd.org](mailto:rflannery@hopkintonpd.org)>, Hudson-Stephens <[dstephens@hudsonpd.org](mailto:dstephens@hudsonpd.org)>, Lexington-Corr <[mcorr@ci.lexington.ma.us](mailto:mcorr@ci.lexington.ma.us)>, Lincoln-Mooney <[moonekev@lincolntown.org](mailto:moonekev@lincolntown.org)>, Littleton-Kelly <[kelly@littletonpd.com](mailto:kelly@littletonpd.com)>, Lowell-Lavallee <[klavallee@ci.lowell.ma.us](mailto:klavallee@ci.lowell.ma.us)>, Malden-Molis <[kmolis@maldenpd.com](mailto:kmolis@maldenpd.com)>, Marlboro-Leonard <[police\\_dept@ci.marlborough.ma.us](mailto:police_dept@ci.marlborough.ma.us)>, Maynard-Dawson <[jdawson@maynardpolice.com](mailto:jdawson@maynardpolice.com)>, Medford-Sacco <[lsacco@medfordpolice.com](mailto:lsacco@medfordpolice.com)>, Melrose-Lyle <[mlyle@cityofmelrose.org](mailto:mlyle@cityofmelrose.org)>, Newton-Mintz <[hmintz@newtonma.gov](mailto:hmintz@newtonma.gov)>, North Reading-Murphy <[mmurphy@nrpd.org](mailto:mmurphy@nrpd.org)>, Pepperell-Scott <[dscott@town.pepperell.ma.us](mailto:dscott@town.pepperell.ma.us)>, Reading-Cormier <[jcormier@ci.reading.ma.us](mailto:jcormier@ci.reading.ma.us)>, Richard Thompson <[rthompson@sherbornpolice.org](mailto:rthompson@sherbornpolice.org)>, Shirley-Massak <[gmassak@shirley-mapd.org](mailto:gmassak@shirley-mapd.org)>, Somerville-Pasquarello <[tpasquarello@police.somerville.ma.us](mailto:tpasquarello@police.somerville.ma.us)>, Stoneham-McIntyre <[jmcintyre@police.stoneham.ma.us](mailto:jmcintyre@police.stoneham.ma.us)>, Stow-Bosworth <[stowchief@comcast.net](mailto:stowchief@comcast.net)>, Sudbury-Glavin <[glavinr@sudbury.ma.us](mailto:glavinr@sudbury.ma.us)>, Tewksbury-Sheehan <[tsheehan@tewksbury-ma.gov](mailto:tsheehan@tewksbury-ma.gov)>, Townsend-Marshall <[emmtpd@yahoo.com](mailto:emmtpd@yahoo.com)>, Tyngsborough-Mulligan <[wmulligan@tyngsboroughma.gov](mailto:wmulligan@tyngsboroughma.gov)>, Wakefield-Smith <[chief@wakefieldpd.org](mailto:chief@wakefieldpd.org)>, Waltham-Macpherson <[kmacpherson@police.waltham.ma.us](mailto:kmacpherson@police.waltham.ma.us)>, Wayland-Irving <[chief@waylandpolice.com](mailto:chief@waylandpolice.com)>, Westford-Mcenaney <[tmcenaney@westfordma.gov](mailto:tmcenaney@westfordma.gov)>, Weston-Shaw

<[shaw.s@westonmass.org](mailto:shaw.s@westonmass.org)>, Wilmington-Begonis <[mbegonis@town.wilmington.ma.us](mailto:mbegonis@town.wilmington.ma.us)>, Winchester-Abertelli <[Kalbertelli@winchester.us](mailto:Kalbertelli@winchester.us)>, Woburn-Ferullo <[rferullo@woburnpd.com](mailto:rferullo@woburnpd.com)>

**Subject: Re: Middlesex District Attorney**

On Apr 7, 2013, at 4:28 PM, "Hicks, James" <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)> wrote:

To All Middlesex Chiefs,

I have been contacted by a few Chiefs and Marian Ryan asking for me to contact other Middlesex Chiefs and possibly the Governor's Office asking them to consider Marian as an inside candidate to replace Gerry when his resignation becomes effective this Friday. I did not want to contact the Secretary of Public Safety unless there was some feedback from other members of the county with their thoughts. Below you will see a statement by Marian as to her qualifications and her points to support her efforts.

Please review the statement and respond back to me as to your thoughts of supporting Marian for the appointed interim position. Keep in mind that Marian does plan on running for the position at the next general election. Timing is important. Since Gerry is done on Friday it is likely a decision will be made by Monday so your response asap would be appreciated.

Dear Chief Hicks-thank you for having talked with me yesterday. As I told you I am seeking to be appointed Middlesex District Attorney upon the resignation of District Attorney Leone on April 12, 2013.

I am presently the General Counsel and have spent my entire career in the office. If privileged to be selected by Governor Patrick to serve as District Attorney there are several important qualifications which I would bring to that position:

1) Experience - having led numerous homicide investigations and prosecuted thousand of cases, particularly those involving domestic violence and the abuse of children, the elderly and the disabled, in every court in the state from the Juvenile Court to the Supreme Judicial Court, I could seamlessly assume the position of District Attorney on 4/12/13. There is no case or issue which might arise in the office which I have not already handled. Having come through the ranks, I have developed the judgment needed to asses situations and make sound decisions.

Over the years I have established relationships with our partners in ensuring the public safety, particularly the Chiefs of Police and Police Departments across the county, which will allow us to effectively develop cases, continue our prevention and intervention programs, provide quality training and work together to resolve challenges. In directing the office's response to the crisis created by the failures at the Hinton Laboratory I was able to rely upon those relationships to insure

that communities were alerted about the status/possible release of offenders, assess the impact of the problem on our Police Departments and minimize the disruption to Departments.

2) Stability/Consistency - the strength of the Middlesex District Attorney's Office lies in the quality of its staff. DA Leone has assembled a talented pool of ADAs, Victim Witness Advocates and support staff. Uncertainty about the future of the office and their own personal future has created concerns which are causing these talented professionals to consider leaving the office. This would be a great loss to both pending cases and investigations and the long term quality of the office's work. I can provide the stability and leadership within the office which will prevent that widespread attrition. My work on cases and my outreach/prevention efforts have helped me to build a strong base of support throughout the county. I am confident that I could serve as both the appointed and the elected District Attorney and maintain consistency in the office and in the office's work with Chiefs and local Police Departments.

The District Attorney's Office is a public one which must provide transparency and access, but it is in not one which should become "political." There are numerous examples of the injustices which can result when politics and prosecution become too closely aligned.

3) Commitment - As I have demonstrated throughout my career, I am committed to the Middlesex District Attorney's Office. I have stayed in the office rather than pursue other potentially more lucrative work because I love the job and believe in the critical work which we do every day. For the the past six years I have worked closely with DA Leone, often serving as his proxy and helping to develop the programs which are the hallmarks of the office. I would be proud to serve as the DA, but I would not seek to use that office as a political steppingstone to other positions. This is the *only* job which I want to do.

As I said when we spoke, I have enormous respect for the Middlesex Chiefs - a respect which grew as I stood with so many of you in responding to the violent episodes against police officers in Woburn. The wisdom and generosity shown by Chiefs as I led those investigations and built cases against those defendants was a credit to your organization.

It is because I recognize how critical our collaboration is in protecting our children, seniors and other vulnerable populations, preventing crime, providing diversion programs and prosecuting cases that I am asking for your support of my application for appointment as Middlesex District Attorney.

I have attached a copy of my resume and would be happy to provide any additional information that would be helpful.

I very much appreciate your consideration.

Marian Ryan

James G. Hicks  
Chief of Police  
Natick Police Department  
20 East Central Street  
Natick, MA 01760-4631

 Fax  
FBI LEEDS #59

President Massachusetts Chiefs of Police 2013

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**Archived:** Tuesday, March 12, 2019 11:57:12 AM

**From:** Leone, Gerard (NOR)

**To:** Thompson, Richard R III

**Subject:** Re: Middlesex District Attorney

**Sensitivity:** Normal

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[REDACTED]

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**From:** Richard Thompson [mailto:[rthompson@sherbornpolice.org](mailto:rthompson@sherbornpolice.org)]

**Sent:** Sunday, April 07, 2013 05:47 PM

**To:** Leone, Gerard (NOR)

**Subject:** Re: Middlesex District Attorney

[REDACTED]

Sent from my iPhone

On Apr 7, 2013, at 5:21 PM, "Leone, Gerard (DAA)" <[gerard.leone@state.ma.us](mailto:gerard.leone@state.ma.us)> wrote:

[REDACTED]

---

**From:** Richard Thompson [mailto:[rthompson@sherbornpolice.org](mailto:rthompson@sherbornpolice.org)]

**Sent:** Sunday, April 07, 2013 05:17 PM

**To:** Leone, Gerard (NOR)

**Subject:** Fwd: Middlesex District Attorney

[REDACTED]

Sent from my iPhone

Begin forwarded message:

**From:** "Deveau, Edward" <[edeveau@police.watertown-ma.gov](mailto:edeveau@police.watertown-ma.gov)>

**Date:** April 7, 2013, 5:12:24 PM EDT

**To:** "Hicks, James" <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>

**Cc:** Acton-Widmayer <[fwidmayer@town.acton.ma.us](mailto:fwidmayer@town.acton.ma.us)>, Ashby <[chief@ashbypd.com](mailto:chief@ashbypd.com)>, Ayer-Murray <[pdchief@ayer.ma.us](mailto:pdchief@ayer.ma.us)>, Bedford-Bongiorno <[rbongiorno@police.bedfordma.gov](mailto:rbongiorno@police.bedfordma.gov)>, Belmont-McLaughlin <[rmclaughlin@belmontpd.org](mailto:rmclaughlin@belmontpd.org)>, Billerica-Rosa <[drosa@billericapolice.org](mailto:drosa@billericapolice.org)>, Boxborough-Ryder <[ryder@boxboroughpolice.com](mailto:ryder@boxboroughpolice.com)>, Burlington-Kent <[mkent@burlmass.org](mailto:mkent@burlmass.org)>, Cambridge-Haas <[rhaas@cambridgepolice.org](mailto:rhaas@cambridgepolice.org)>, Carlisle-Fisher <[jfisher@carlislepolice.com](mailto:jfisher@carlislepolice.com)>, Chelmsford-Murphy <[chiefmurphy@townofchelmsford.us](mailto:chiefmurphy@townofchelmsford.us)>, Concord-Neal <[bneal@concordnet.org](mailto:bneal@concordnet.org)>, Dracut-Richardson <[chiefrichardson@dracutpolice.com](mailto:chiefrichardson@dracutpolice.com)>, Dunstable-Downes <[jdownes@dunstablepd.us](mailto:jdownes@dunstablepd.us)>, Everett-Mazzie <[steven.mazzie@ci.everett.ma.us](mailto:steven.mazzie@ci.everett.ma.us)>, Framingham-Carl <[SBC@framinghamma.org](mailto:SBC@framinghamma.org)>, Groton-Palma <[dpalma@townofgroton.org](mailto:dpalma@townofgroton.org)>,



Holliston <[Chief@hollistonpolice.com](mailto:Chief@hollistonpolice.com)>, Hopkinton-Flannery <[rflannery@hopkintonpd.org](mailto:rflannery@hopkintonpd.org)>, Hudson-Stephens <[dstephens@hudsonpd.org](mailto:dstephens@hudsonpd.org)>, Lexington-Corr <[mcorr@ci.lexington.ma.us](mailto:mcorr@ci.lexington.ma.us)>, Lincoln-Mooney <[moonekev@lincolntown.org](mailto:moonekev@lincolntown.org)>, Littleton-Kelly <[kelly@littletonpd.com](mailto:kelly@littletonpd.com)>, Lowell-Lavallee <[klavallee@ci.lowell.ma.us](mailto:klavallee@ci.lowell.ma.us)>, Malden-Molis <[kmolis@malDENpd.com](mailto:kmolis@malDENpd.com)>, Marlboro-Leonard <[police\\_dept@ci.marlborough.ma.us](mailto:police_dept@ci.marlborough.ma.us)>, Maynard-Dawson <[jdawson@maynardpolice.com](mailto:jdawson@maynardpolice.com)>, Medford-Sacco <[lsacco@medfordpolice.com](mailto:lsacco@medfordpolice.com)>, Melrose-Lyle <[mlyle@cityofmelrose.org](mailto:mlyle@cityofmelrose.org)>, Newton-Mintz <[hmintz@newtonma.gov](mailto:hmintz@newtonma.gov)>, North Reading-Murphy <[mmurphy@nrpd.org](mailto:mmurphy@nrpd.org)>, Pepperell-Scott <[dscott@town.pepperell.ma.us](mailto:dscott@town.pepperell.ma.us)>, Reading-Cormier <[jcormier@ci.reading.ma.us](mailto:jcormier@ci.reading.ma.us)>, Richard Thompson <[rthompson@sherbornpolice.org](mailto:rthompson@sherbornpolice.org)>, Shirley-Massak <[gmassak@shirley-mapd.org](mailto:gmassak@shirley-mapd.org)>, Somerville-Pasquarello <[tpasquarello@police.somerville.ma.us](mailto:tpasquarello@police.somerville.ma.us)>, Stoneham-McIntyre <[jmcintyre@police.stoneham.ma.us](mailto:jmcintyre@police.stoneham.ma.us)>, Stow-Bosworth <[stowchief@comcast.net](mailto:stowchief@comcast.net)>, Sudbury-Glavin <[glavinr@sudbury.ma.us](mailto:glavinr@sudbury.ma.us)>, Tewksbury-Sheehan <[tsheehan@teWksbury-ma.gov](mailto:tsheehan@teWksbury-ma.gov)>, Townsend-Marshall <[emmtpd@yahoo.com](mailto:emmtpd@yahoo.com)>, Tyngsborough-Mulligan <[wmulligan@tyngsboroughma.gov](mailto:wmulligan@tyngsboroughma.gov)>, Wakefield-Smith <[chief@wakefieldpd.org](mailto:chief@wakefieldpd.org)>, Waltham-Macpherson <[kmacpherson@police.waltham.ma.us](mailto:kmacpherson@police.waltham.ma.us)>, Wayland-Irving <[chief@waylandpolice.com](mailto:chief@waylandpolice.com)>, Westford-Mcenaney <[tmcenaney@westfordma.gov](mailto:tmcenaney@westfordma.gov)>, Weston-Shaw <[shaw.s@westonmass.org](mailto:shaw.s@westonmass.org)>, Wilmington-Begonis <[mbegonis@town.wilmington.ma.us](mailto:mbegonis@town.wilmington.ma.us)>, Winchester-Abertelli <[Kalbertelli@winchester.us](mailto:Kalbertelli@winchester.us)>, Woburn-Ferullo <[rferullo@woburnpd.com](mailto:rferullo@woburnpd.com)>

**Subject: Re: Middlesex District Attorney**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Apr 7, 2013, at 4:28 PM, "Hicks, James" <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)> wrote:

To All Middlesex Chiefs,

I have been contacted by a few Chiefs and Marian Ryan asking for me to contact other Middlesex Chiefs and possibly the Governor's Office asking them to consider Marian as an inside candidate to replace Gerry when his resignation becomes effective this Friday. I did not want to contact the Secretary of Public Safety unless there was some feedback from other members of the county with their thoughts. Below you will see a statement by Marian as to her qualifications and her points to support her efforts.

Please review the statement and respond back to me as to your thoughts of supporting Marian for the appointed interim position. Keep in mind that Marian does plan on running for the position at the next general election. Timing is important. Since Gerry is done on Friday it is likely a decision will be made by Monday so your response asap would be appreciated.

Dear Chief Hicks-thank you for having talked with me yesterday. As I told you I am seeking to be appointed Middlesex District Attorney upon the resignation of District Attorney Leone on April 12, 2013.

I am presently the General Counsel and have spent my entire career in the office. If privileged to be selected by Governor Patrick to serve as District Attorney there are several important qualifications which I would bring to that position:

1) Experience - having led numerous homicide investigations and prosecuted thousand of cases, particularly those involving domestic violence and the abuse of children, the elderly and the disabled, in every court in the state from the Juvenile Court to the Supreme Judicial Court, I could seamlessly assume the position of District Attorney on 4/12/13. There is no case or issue which might arise in the office which I have not already handled. Having come through the ranks, I have developed the judgment needed to assess situations and make sound decisions.

Over the years I have established relationships with our partners in ensuring the public safety, particularly the Chiefs of Police and Police Departments across the county, which will allow us to effectively develop cases, continue our prevention and intervention programs, provide quality training and work together to resolve challenges. In directing the office's response to the crisis created by the failures at the Hinton Laboratory I was able to rely upon those relationships to insure that communities were alerted about the status/possible release of offenders, assess the impact of the problem on our Police Departments and minimize the disruption to Departments.

2) Stability/Consistency - the strength of the Middlesex District Attorney's Office lies in the quality of its staff. DA Leone has assembled a talented pool of ADAs, Victim Witness Advocates and support staff. Uncertainty about the future of the office and their own personal future has created concerns which are causing these talented professionals to consider leaving the office. This would be a great loss to both pending cases and investigations and the long term quality of the office's work. I can provide the stability and leadership within the office which will prevent that widespread attrition.

My work on cases and my outreach/prevention efforts have helped me to build a strong base of support throughout the county. I am confident that I could serve as both the appointed and the elected District Attorney and maintain consistency in the office and in the office's work with Chiefs and local Police Departments.

The District Attorney's Office is a public one which must provide transparency and access, but it is in not one which should become "political." There are numerous examples of the injustices which can result when politics and prosecution become too closely aligned.

3) Commitment - As I have demonstrated throughout my career, I am committed to the Middlesex District Attorney's Office. I have stayed in the office rather than pursue other potentially more lucrative work because I love the job and believe in the critical work which we do every day. For the the past six years I have worked closely with DA Leone, often serving as his proxy and helping to develop the programs which are the hallmarks of the office. I would be proud to serve as the DA, but I would not seek to use that office as a political steppingstone to other positions. This is the *only* job which I want to do.

As I said when we spoke, I have enormous respect for the Middlesex Chiefs - a respect which grew as I stood with so many of you in responding to the violent episodes

against police officers in Woburn. The wisdom and generosity shown by Chiefs as I led those investigations and built cases against those defendants was a credit to your organization.

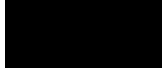
It is because I recognize how critical our collaboration is in protecting our children, seniors and other vulnerable populations, preventing crime, providing diversion programs and prosecuting cases that I am asking for your support of my application for appointment as Middlesex District Attorney.

I have attached a copy of my resume and would be happy to provide any additional information that would be helpful.

I very much appreciate your consideration.

Marian Ryan

James G. Hicks  
Chief of Police  
Natick Police Department  
20 East Central Street  
Natick, MA 01760-4631



Fax

FBI LEEDS #59

President Massachusetts Chiefs of Police 2013

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**Archived:** Tuesday, March 12, 2019 11:57:22 AM  
**From:** Pogue, Anne (NOR)  
**Sent:** Mon, 8 Apr 2013 11:43:44  
**To:** NOR-DL-ALL MIDDLESEX ADA's  
**Cc:** Irwin, Chris (NOR); Madden, Melissa (NOR); Cunningham, Ashley (NOR)  
**Subject:** Even More JP Lab Discovery  
**Sensitivity:** Normal  
**Attachments:**  
[JP 13th Notice of Discovery.docx](#);

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Hello All,

Attached please find the 13th Notice of Discovery related to the JP-Hinton Lab. As with some of the prior packets, the attachments are too voluminous to print, so please contact Ashley, Christina Lucci, or me if you need a CD of the documents to provide to d/c. Please serve and file in the normal course if you have a JP case, and please make the appropriate changes to the highlighted sections of the Notice.

Also, if you have a JP case, please keep track of the amount of time you spend dealing with it and send your hours to Ashley.

If you have any questions about a JP case, please feel free to contact Sara DeSimone, Christina Lucci, or me, and please keep us updated as to the status of your case.

Thank you,

Anne

**Anne Pogue Donohue**  
**Assistant District Attorney**  
**Middlesex District Attorney's Office**  
**15 Commonwealth Avenue**  
**Woburn, MA 01801**  
**T. [REDACTED]**  
**F. [REDACTED]**

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

COURT DEPT.  
DOCKET NO.

COMMONWEALTH

v.

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**COMMONWEALTH'S THIRTEENTH NOTICE OF DISCOVERY REGARDING  
WILLIAM A. HINTON STATE LABORATORY**

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Now comes the Commonwealth in the above-entitled matter and, consistent with its ongoing obligations, provides the following items of discovery, [attached/reproduced on the attached disc], which were provided by the Attorney General's Office:

1. Massachusetts State Police report from Sgt. Joseph Ballou, dated February 6, 2013 (9 pages);
2. Massachusetts State Police report from Trooper Randy Thomas, dated January 24, 2013 (3 pages);
3. Massachusetts State Police report from Sgt. Joseph Ballou, regarding "Search Warrant Execution of Tote Bag", dated February 15, 2013 (3 pages);
4. Massachusetts State Police report from Sgt. Joseph Ballou, dated March 8, 2013 (3 pages);
5. Massachusetts State Police report from Sgt. Joseph Ballou, regarding "Visit to the Amherst Laboratory", dated February 15, 2013 (3 pages);
6. Massachusetts State Police report from Trooper Geraldine Bresnahan, dated January 18, 2013 (3 pages);
7. Transcript of Sonja Farak interview on 1/18/2013 (29 pages);
8. Transcript of James Hanchett interview on 1/18/13 (50 pages);
9. Transcript of Rebecca Pontes interview on 1/18/13 (46 pages);
10. Transcript of Sharon Salem interview on 1/18/13 (26 pages);

11. Evidence Inventory Report Form (1 page);
12. Evidence Recovery Log with photos (9 pages);
13. Office of the Attorney General Department Case Report (13 pages);
14. Quality Assurance Audit (6 pages);
15. Massachusetts State Police report from Jeremy Miller, dated June 27, 2012 (2 pages); and
16. Massachusetts State Police Safety Site Assessment Report (4 pages).

Respectfully submitted  
For the Commonwealth,

GERARD T. LEONE, JR.  
DISTRICT ATTORNEY

By: \_\_\_\_\_  
[NAME]  
Assistant District Attorney  
[ADDRESS]  
BBO No. \_\_\_\_\_

DATED: \_\_\_\_\_

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, Assistant District Attorney, served the attached motion and all attachments on counsel for the defendant **[by first class mail/by email/by facsimile/in hand]**, on the date noted below.

\_\_\_\_\_  
**[NAME]**

Assistant District Attorney

DATED: \_\_\_\_\_

**Archived:** Tuesday, March 12, 2019 11:57:25 AM  
**From:** Leone, Gerard (NOR)  
**To:** Pelgro, Michael (NOR)  
**Subject:** FW: Hinton Lab Funds  
**Sensitivity:** Normal

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From: OKeefe, Michael (CPI)  
Sent: Wednesday, April 17, 2013 10:39 AM  
To: Blodgett, Jonathan (EAS); Capeless, David (BER); Conley, Daniel (SUF); Cruz, Timothy (PLY); Early, Joseph (MID); Leone, Gerard (NOR); Maguire, Tara (DAA); Mastroianni, Mark (WES); Morrissey, Michael (NFK); OKeefe, Michael (CPI); Sullivan, David (NWD); Sutter, Samuel (BRI)  
Subject: Hinton Lab Funds

FYI I received a call this morning from Glenn Shor , Sec of A&F. The total DA ask through the end of the fiscal year from the 30 million dollar appropriation was 2.5 million. We will receive 2.1 million either today or tomorrow. To those who don't receive their total ask additional data may result in the release of additional funds. My understanding is that each office will be communicated with. I don't have the breakdown of what amount goes to each office . I suggest that following the distribution we have a conference call and assess the situation or wait until our meeting next week. Thank you.

Michael O'Keefe, District Attorney  
Cape & Islands District Attorney's Office  
P.O. Box 455  
3231 Main Street, Barnstable, MA 02630  
E-mail: [Michael.OKeefe@Massmail.state.ma.us](mailto:Michael.OKeefe@Massmail.state.ma.us)  
Phone: [REDACTED]  
Fax: [REDACTED]

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